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No. 44]

NEW DELHI, SATURDAY, OCTOBER 31, 1998/KARTIKA 9, 1920

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पत्र तब तक के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministry of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)

आदेश

नई दिल्ली, 8 अक्टूबर, 1998

का.आ. 2109.—भारत सरकार के संयुक्त सचिव ने
जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम,
1974 (1974 का 52) की धारा 3 की उपधारा के अधीन
आदेश फा.सं. 673/106/96-सी.शु.-8 दिनांक
17-10-1996 को यह निदेश जारी किया था कि श्री
दिवेन्द्र मनीलाल मेहता पुनः श्री मनीलाल मेहता (i)
फ्लैट नं. 12, प्रमानन्द भवन, नवलोजी लेन, घटकोपार
(प.), मुम्बई-400086, (ii) 377, इबराहीम गद्दीमतुला
मार्ग, दूसरी मंजिल, पयदानी, मुम्बई, (iii) मै. मैक्स कोम
इलेक्ट्रानिक्स, 3, गांधी भवन, चूनन लेन, लीमिंगटन मार्ग,
मुम्बई-7 को निरुद्ध कर लिया जाये और केन्द्रीय कारागार
मुम्बई में अनिरक्षा में रखा जाये ताकि उसे भविष्य में
विदेशी मुद्रा के संचयन पर प्रतिकूल प्रभाव डालने वाले
किसी भी तरह के कार्य करने से रोका जा सके।

2 केन्द्रीय सरकार के पास यह विश्वास करने का
कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने
को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की
धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त
शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि
पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में
प्रकाशन के 7 दिन के भीतर कमिश्नर आफ पुनिम
मुम्बई के समक्ष हाजिर हों।

[फा.सं. 673/106/96-सी.शु.-VIII]

प्रकाश चन्दरा, अवसर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 8th October, 1998

S.O. 2109.—Whereas the Joint Secretary to the Go-
vernment of India, specially empowered under sub-
section (1) of Section 3 of the Conservation of For-
eign Exchange & Prevention of Smuggling Activities

Act, 1974 (52 of 1974) issued order F.No. 673/106/96-Cus. VIII dated 17-10-1996 under the said sub-section directing that Shri Devendra Manilal Mehta, S/o Manilal Mehta, Address (i) Flat No. 12, Parmanand Bhawan, Nawrojee Lane, Ghatkopar (W), Bombay-400086, (ii) 377, Ibrahim Rahimtullah Road, 2nd Floor, Pydhonie, Bombay, (iii) M/s. Max Com Electronics, 3, Gandhi Bhavan, Chunam Lane, Lamington Road, Bombay-7 be detained and kept in custody in the Central Prison, Mumbai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the official Gazette.

[F. No. 673/106/96-CUS-VIII]
PRAKASH CHANDRA, Under Secy.

आदेश

नई दिल्ली, 8 अक्टूबर, 1998

का.आ. 2110—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा) के अधीन आदेश फा.सं. 673/108/96-सी.शु.-8 दिनांक 17-10-1996 को यह निदेश जारी किया था कि श्री नवीन कुमार चंनलाल पटेल, पुत्र श्री चंनलाल पटेल, (i) मै. पटेल नटवरलाल चुनीभाई और कं., 64/70-3 भोईवाड़ा, भुलेश्वर, मुम्बई-3, (ii) 202, हैपी हाउस सोसायटी, विद्या विहार भवन, नेहरू मार्ग, विले पारले (पूर्वी), मुम्बई को निरुद्ध कर लिया जाये और केन्द्रीय कारागार मुम्बई में अभिरक्षा में रखा जाये ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन पर प्रतिकूल प्रभाव डालने वाले किसी भी तरह के कार्य करने से रोका जा सके;

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर कमिश्नर आफ पुलिस, मुम्बई के समक्ष हाजिर हों।

[फा.सं. 673/108/96-सी.शु.-VIII]

प्रकाश चन्द्रा, अवर सचिव

ORDER

New Delhi, the 8th October, 1998

S.O. 2110.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F.No. 673/108/96-Cus. VIII dated 17-10-1996 under the said sub-section directing that Shri Navin Kumar Chanalal Patel s/o Shri Chanalal Patel, Address : (i) M/s Patel Natwar Lal Chuni Bhai & Co., 64/70, 3rd Bhoiwada, Bhuleshwar, Bombay-3 (ii) 202, Happy House Society, Vidya Vihar Building, Nehru Road, Vile Parle (East), Bombay be detained and kept in custody in the Central Prison, Mumbai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas, the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the official Gazette.

[F. No. 673/108/96-Cus.-VIII]
PRAKASH CHANDRA, Under Secy.

आदेश

नई दिल्ली, 8 अक्टूबर, 1998

का.आ. 2111.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/109/96-सी.शु.-8 दिनांक 17-10-1996 को यह निदेश जारी किया था कि श्री अशोक कुमार युगराज जैन, पु. श्री युगराज जे. जैन (मुंठा), (i) मै. बी.पी. जवैलर्स, 42, विठ्ठलदास भवन, जे. एम. कम्पाउण्ड, चांदी गली, तीसरी भोपेवाड़ा लेन, मुम्बई-2, (ii) 67, टेंक भवन, तीसरी मंजिल, कमरा नं. 39, भुलेश्वर मार्ग, मुम्बई-2, (iii) धनोहा गांव, डाक धावसा, जिला जैलौर, राजस्थान को निरुद्ध कर लिया जाये और केन्द्रीय कारागार मुम्बई में अभिरक्षा में रखा जाये ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन पर प्रतिकूल प्रभाव डालने वाले किसी भी तरह के कार्य करने से रोका जा सके;

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि

पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर कमिशनर आफ पुलिस, मुम्बई के समक्ष हाजिर हों।

[फा.सं. 673/109/96-सी.शु.-VIII]

प्रकाश चन्द्रा, अवर सचिव

ORDER

New Delhi, the 8th October, 1998

S.O. 2111.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/109/96-Cus. VIII dated 17-10-1996 under the said sub-section directing that Shri Ashok Kumar Jugraj Jain, Address : (i) M/s. B. P. Jewellers, 42, Vithaldas Building, J.M. Compound, Chandi Galli, 3rd Bhoiwada Lane, Bombay-2, (ii) 67, Tank Building, 3rd Floor, Room No. 39, Bhuleshwar Road, Bombay-2 (iii) Village Dhanoha, Post Dhavsa, District Jalore, Rajasthan be detained and kept in custody in the Central Prison, Mumbai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas, the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the official Gazette.

[F. No. 673/109/96-Cus. VIII]

PRAKASH CHANDRA, Under Secy.

आदेश

नई दिल्ली, 15 अक्टूबर, 1998

का.आ. 2112.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा.सं. 673/34/98-सी.शु.-8 दिनांक 7-8-1998 को यह निदेश जारी किया था कि श्री मोहम्मद अमेर अली मोहम्मद मित्री, पुत्र अली मोहम्मद मित्री, (i) 54/56, कम्बेकर मार्ग, दूसरी मंजिल, अल सलहान भवन, कमरा नं. 18, मुम्बई, (ii) मै. वर्लडवे टूअरज कट्रेवलज, दुकान नं. 1, एंड 2, भूमि तल शालीमार शॉपिंग केन्द्र, एम. एस. अली मार्ग ग्रैंट रोड, मुम्बई-7 को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, मुम्बई में अभिरक्षा में रखा जाये ताकि उसे भविष्य में विदेशी मुद्रा के संरक्षण के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने

को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर कमिशनर आफ पुलिस, मुम्बई के समक्ष हाजिर हों।

[फा.सं. 673/34/98-सी.शु.-VIII]

प्रकाश चन्द्रा, अवर सचिव

ORDER

New Delhi, the 15th October, 1998

S.O. 2112.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/34/98-Cus. VIII dated 7-8-1998 under the said sub-section directing that Shri Mohd. Umer Ali Mohd. Misry Address : (i) 54/56, Kambekar Street, 2nd Floor, Al-Salhan Building, Room No. 19, Mumbai, (ii) M/s Worldways Tours & Travels Shop No. 1 & 2, Ground Floor, Shalimar Shopping Centre, M.S. Ali Road, Grant Road, Mumbai-7 be detained and kept in custody in the Central Prison, Mumbai with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange;

2. Whereas, the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the official Gazette.

[F. No. 673/34/98-Cus. VIII]

PRAKASH CHANDRA, Under Secy.

नई दिल्ली, 22 अक्टूबर, 1998

का.आ. 2113.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80 छ की उपधारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा सम्पूर्ण तमिलनाडु राज्य और अन्य निकटवर्ती राज्यों में सार्वजनिक पूजा-स्थल के नाम से विख्यात ग्राम कलाधर, जिला-एन०ए०ए०, चेन्नई में स्थित "आरुलमिगु पाथीस्वरन थीरुकोइल" को उक्त खण्ड के प्रयोजनार्थ विनिर्दिष्ट करती है।

यह अधिसूचना 3,40,000 (तीन लाख और चालीस हजार रुपये) की सीमा तक के मरम्मत/नवीकरण कार्य के

लिए ही वैध होगी और 31-3-2001 के पश्चात् लागू नहीं होगी।

[अधिसूचना सं० 10729/फा०सं० 176/18/98-आयकर नि०-I]

समर भद्र, अवर सचिव

New Delhi, the 22nd October, 1998

S.O. 2113.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 86G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies "Arulmigu Thatteeswarar Thirukoil", Kalathur Village, N.A.A. District, Chennai to be a place of public worship of renown throughout the State of Tamil Nadu and other nearby States for the purpose of the said Section.

This Notification will be valid only for the repair/renovation work to the extent of Rs. 3,40,000 (Rupees three lakh forty thousand only) and will cease to be effective after 31-3-2001.

[Notification No. 10729/F. No. 176/18/98-ITA-I]
SAMAR BHADRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 15 अक्टूबर, 1998

का.आ. 2114.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 9 के उपखंड (1) और (2) के साथ पठित बैंकारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा 3 के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा श्री के. हरिबाबू, वर्तमान महासचिव, अखिल भारत आन्ध्रा बैंक अधिकारी परिषद (बैंक के सेवा केन्द्र, हैदराबाद में तैनात) को 15 अक्टूबर, 1998 से और 14 अक्टूबर, 2001 तक, या आन्ध्रा बैंक के अधिकारी के रूप में सेवार्थ समाप्त होने तक, जो भी पहले हो, श्री कोटेश्वर राव के स्थान पर आन्ध्रा बैंक के बोर्ड में निदेशक के रूप में नियुक्त करती है।

[फा.सं. 9/23/97-बी.ओ.-I]

के.के. मंगल, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 15th October, 1998

Director on the Board of Andhra Bank with effect from 15th October, 1998 and upto 14th October, 2001 or until he ceases to be an officer of Andhra Bank whichever is earlier, vice Shri V. Koteswara Rao. The nomination will be subject to the final decision of the High Court of Karnataka in Writ Petition No. 4422-23/1998(L).

[F. No. 9/23/97-B.O.I.]

K. K. MANGAL, Under Secy.

नई दिल्ली, 16 अक्टूबर, 1998

का.आ. 2115.—बैंकारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, भारतीय रिजर्व बैंक की संस्तुति पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 10 की उप धारा (1) (ग) (i) और (1) (ग) (ii) के उपबन्ध सेन्दल बैंक आफ इंडिया के मामले में, जहां तक उसका संबंध सेन्दल बैंक आफ इंडिया के अध्यक्ष एवं प्रबन्ध निदेशक श्री के.सी. चौधरी की बोर्ड आफ मास्टर कार्ड इन्टरनेशनल एशिया पैसिफिक रीजन में निदेशक के रूप में नियुक्ति से है, लागू नहीं होंगे।

[फा.सं. 20/4/94-बी.ओ.-I]

के.के. मंगल, अवर सचिव

New Delhi, the 16th October, 1998

S.O. 2115.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India, hereby declare that the provisions of sub-section (1)(c)(i) & (ii) of Section 10 of the said Act shall not apply to Central Bank of India in so far as it relates to the appointment of Shri K. C. Chowdhary, Chairman and Managing Director, Central Bank of India as a director on the Board of Mastercard International Asia-Pacific Region.

[F. No. 20/4/94-B.O.I.]

K. K. MANGAL, Under Secy.

मुख्य आयकर आयुक्त का कार्यालय

कलकत्ता, 28 अगस्त, 1998

सं. 6/98-99

का.आ. 2116.—आयकर अधिनियम 1961 (1961 के 43) की धारा 120 की उपधारा (1) एवं (2) में दिये गये अधिकार अधिसूचना सं. 9565 फाईल सं. 279/93-129 आई.टी.जे (भाग-2) दिनांक 5-7-94 और एस. ओ. सं. 504 दिनांक 5-7-94 के अनुसार के.प्र.क.बो. नई दिल्ली द्वारा दिये गये अधिकार एवं इस सन्दर्भ में मुझे सौंपे गये अन्य अधिकारों का प्रयोग

करते हुए एवं अधिसूचना संख्या 1/97-98 दिनांक 20-5-97 का आंशिक संशोधन करते हुए मैं मुख्य आयकर आयुक्त, कलकत्ता एतद्वारा यह आदेश देता हूँ कि आयकर आयुक्त (अ) VI ऐसे व्यक्तियों के संबंध में अपने कृत्यों का पालन करेंगे जिनके आयकर अथवा धनकर या दानकर या अतिकर या व्याजकर या व्ययकर या संपदा शुल्क का निर्धारण निम्न अनुसूची के कालम-3 में विनिर्दिष्ट आयकर प्राधिकारियों/निर्धारण अधिकारियों के द्वारा आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खंड (ए) से (एन) तक, धनकर अधिनियम, 1957 (1957 का 27) की धारा 23 की उपधारा (ए) के खंड (ए) से (ई) तक, दानकर अधिनियम, 1958 (1958 का 18) की धारा 22(ए) के खंड (ए) से (ई) तक (कंपनी लाभ) अतिकर अधिनियम 1964 (1964 का 7) की धारा 11 की उपधारा (1), व्याजकर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) और व्याजकर अधिनियम, 1987 (1987 का 35) की धारा 22 की उपधारा (1) और संपदा शुल्क अधिनियम, 1953 की धारा 62 में उल्लिखित किन्हीं आदेशों से व्यथित हों।

यह आदेश 28-08-1998 से प्रभावी होगा।

अनुसूची

क्र. सं.	आयकर आयुक्त (अ) का पदनाम	क्षेत्राधिकार
1.	आयकर आयुक्त(अ)-VI, (क) आयकर उपा. रेंज-7, कलकत्ता	कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी। (ख) आयकर उपा. वि. रें.-1, कलकत्ता तथा/अथवा आयकर उपायुक्त विशेष रेंज-1 कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी। (ग) आयकर उपा. रेंज-22, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।

[सं. ए.सी./मुद्रा./योजना/30/98-99]]

पी.के. शर्मा, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF
INCOME-TAX

Calcutta, the 28th August 1998

No. 6/98-99

S.O. 2116.—In exercise of the powers conferred by Sub-sections (1) and (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961) and

the powers conferred on me by the Central Board of Direct Taxes, New Delhi, vide Notification No. 9565 F. No. 279/129/93-ITJ (Pt.-II) dated 5-7-1994 and S.O. No. 504 dated 5-7-1994 and all other powers enabling me in this behalf and in partial modification of Notification No. 1/97-98 dated 29-5-1997 I, the Chief Commissioner of Income-tax, Calcutta, hereby direct that the Commissioner of Income-tax (Appeals)-VI, Calcutta shall perform the functions in respect of such persons assessed to Income-tax or Wealth Tax or Gift Tax or Sur-tax or Interest Tax or Expenditure Tax or Estate Duty by the Income-tax Authorities/Assessing Officers specified in Column 3 of the Schedule below as are aggrieved by any orders mentioned in clauses (a) to (h) of Sub-section (2) of Section 246 of the Income-tax Act, 1961, Clauses (a) to (e) of Sub-section (1A) of Section 23 of the Wealth Tax Act, 1957 (27 of 1957), Clauses (a) to (e) of Sub-section (1A) of Section 22 of the Gift Tax Act, 1958 (18 of 1958), Sub-section (1) of Section 11 of the Companies (Profits) Sur-tax Act, 1984 (7 of 1984), Sub-section (1) of Section 15 of the Interest-tax Act, 1974 (45 of 1974), Sub-section (1) of Section (22) of the Expenditure-tax Act, 1987 (35 of 1987) and Section 62 of the Estate Duty Act, 1953.

This order will take effect from 28-8-1998.

SCHEDULE

Sl. No.	Designation of the Commissioner of Income-tax (Appeals)	Jurisdiction
1.	Commissioner of Income-tax (Appeals)-VI, Calcutta	(a) All the Assessing Officers functioning under the Deputy Commissioner of Income-tax, Range-7, Calcutta. (b) The Deputy Commissioner of Income-tax, Special Range-1, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-tax, Special Range-1, Calcutta. (c) All the Assessing officers functioning under the Deputy Commissioner of Income-tax, Range-22, Calcutta.

[No. AC/HQ/PLANNING/30/98-99]

P. K. SARMA, Chief Commissioner of Income-tax

पुणे, 4 सितम्बर, 1998

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का. भा. 2117.—केन्द्रीय प्रत्यक्ष कर बोर्ड के दिनांक 21-08-98 के संख्या 10678 की अधिसूचना और आयकर अधिनियम की धारा 120 की उपधारा 1 तथा 2 के अधीन केन्द्रीय प्रत्यक्ष कर बोर्ड द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और वर्तमान के सभी आदेशों को बरखास्त करते हुए मुख्य आयकर आयुक्त, पुणे एतद्वारा निदेश देते हैं कि :—

1. यहां संलग्न सूची के स्तंभ 2 में विनिर्दिष्ट आयकर आयुक्त (अपील्स), उसी सूची के स्तंभ 3 में विनिर्दिष्ट उनके मुख्यालय, वे ऐसे क्षेत्र के हलाके अथवा ऐसी आय अथवा आय के वर्ग अथवा ऐसे आयकर प्राधिकरण के वर्ग के मामलों का निर्धारण जो उक्त सूची के स्तंभ 4 में विनिर्दिष्ट हैं के बारे में कार्य निष्पादन करेंगे।

2. यह अधिसूचना दि. 7-9-1998 पर और से लागू होगी।

3. सूची के स्तंभ 4 में विनिर्दिष्ट वित्तीय सीमाओं का प्रचलन दि. 1-10-1998 से स्थगित होगा।

अनुसूची

दिनांक 21-08-98 की अधिसूचना क्र. 10678 से संशोधित

क्र. सं.	पद	मुख्यालय	अधिकारिता
(1)	(2)	(3)	(4)
01	आयकर आयुक्त (अपील) — 1 पुणे	पुणे	अधिकारिता के अधीन सभी बार्ड/सर्किल/रेंज तथा जिलों के सभी मामले जिनकी निर्धारित आय/हानि रु. 1 लाख से अधिक है :— 1. आयकर आयुक्त—1 पुणे। 2. स्त्रोत पर कर कटौती से संबंधित अपर आयकर आयुक्त/आयकर उपायुक्त (स्त्रो. क. क.) रेंज पुणे क्षेत्र के हलाके तथा व्यक्ति वर्ग के अधिका-रिता के अधीन सभी मामले। 3. सौंपे गये सभी विनि-दिष्ट मामले।
02	आयकर आयुक्त (अपील्स) — II पुणे।	पुणे	अधिकारिता के अधीन सभी बार्ड/सर्किल / रेंज तथा जिलों के सभी मामले जिनकी निर्धारित आय/हानि रु. 1 लाख से अधिक है :— 1. आयकर आयुक्त—II पुणे 2. सौंपे गये सभी विनि-दिष्ट मा मने।

03 आयकर आयुक्त (अपील्स) ठाणे

ठाणे

अधिकारिता के अधीन सभी बार्ड/सर्किल/ रेंज तथा जिलों के सभी मामले जिनकी निर्धारित आय/हानि रु. 1 लाख से अधिक है :—

1. आयकर आयुक्त, ठाणे।
2. स्त्रोत पर कर कटौती से संबंधित, अपर आय-कर आयुक्त/ आयकर उपा-युक्त (स्त्रो. क. क.) रेंज, ठाणे क्षेत्र के हलाके तथा व्यक्ति वर्ग के अधिकारिता के अधीन सभी मामले।
3. सौंपे गये सभी विनि-दिष्ट मामले।

04 आयकर आयुक्त (अपील्स) कोल्हापुर

कोल्हापुर

अधिकारिता के अधीन सभी बार्ड/सर्किल/रेंज तथा जिलों के सभी मामले जिनकी निर्धारित आय/हानि रु. 1 लाख से अधिक है :—

1. अपर आयकर आयुक्त/ आयकर उपायुक्त रेंज—1 कोल्हापुर
2. अपर आयकर आयुक्त/ आयकर उपायुक्त रेंज—2 कोल्हापुर।
3. उन पर आयकर आयुक्त आयकर उपायुक्त रेंज-3 कोल्हापुर।
4. अपर आयकर आयुक्त/ आयकर उपायुक्त विशेष रेंज—1, कोल्हापुर।
5. स्त्रोत पर कर-कटौती से संबंधित अपर आयकर आयुक्त/आयकर उपायुक्त (स्त्रो. क. क.) रेंज, कोल्हापुर क्षेत्र के हलाके तथा व्यक्ति वर्ग की अधिकारिता के अधीन सभी मामले।
6. सौंपे गये सभी विनि-दिष्ट मामले।

05 आयकर आयुक्त (अपील) नासिक

नासिक

अपर आयकर आयुक्त/ आय कर उपायुक्त रेंज—2 जलगांव की अधिकारिता के अधीन सभी बार्ड/सर्किल/रेंज तथा जिलों के सभी मामले जिनकी निर्धारित आय/हानि रु. 1 लाख से अधिक है।

1	2	3	4	1	2	3	4
			2. अपर आयकर आयुक्त/ आयकर उपायुक्त रेंज-1 नासिक के अधीन सहायक आयकर आयुक्तों/ आयकर अधिकारियों द्वारा निर्धारित ऐसे सभी मामले जिनकी निर्धारित आय/हानि रु. 1 लाख से अधिक है।	08 आयकर आयुक्त (अपील्स) —II नागपुर	नागपुर	अधिकारिता के अधीन सभी वार्ड/सर्किल/रेंज तथा जिलों के सभी जिनकी निर्धारित आय/हानि 1 लाख से अधिक है :—	
			3. अपर आयकर आयुक्त/ आयकर उपायुक्त विशेष रेंज—1 नासिक द्वारा निर्धारित सभी मामले।			1. अपर आयकर आयुक्त/ आयकर उपायुक्त रेंज—2 नागपुर	
			4. सौंपे गये सभी विनिर्दिष्ट मामले।			2. अपर आयकर आयुक्त/ आयकर उपायुक्त, विशेष रेंज—2 नागपुर	
06 आयकर उपायुक्त (अपील्स) औरंगाबाद	औरंगाबाद	1. अपर आयकर आयुक्त/ आयकर उपायुक्त रेंज-3 औरंगाबाद की अधिकारिता के अधीन सभी वार्ड/सर्किल/रेंज तथा जिलों के सभी मामले जिनकी निर्धारित आय/हानि रु. 1 लाख से अधिक है।				3. अपर आयकर आयुक्त/ आयकर उपायुक्त अकोला रेंज अकोला की अधिकारिता के अधीन अकोला तथा बुलढाना जिलों में स्थित सभी वार्ड सर्किल (आयकर अधिकारी खास गांव की अधिकारिता के अंतर्गत)	
		2. अपर आयकर आयुक्त/ आयकर उपायुक्त विशेष रेंज-2 औरंगाबाद द्वारा निर्धारित मामले।				4. स्त्रोत पर कर कटौती से संबंधित अपर आयकर आयुक्त/ उपायुक्त (स्त्रो. क. क.) रेंज नागपुर क्षेत्र के इलाके तथा व्यक्ति वर्ग के अधिकारिता के अधीन सभी मामले।	
		3. सौंपे गये सभी विनिर्दिष्ट मामले।				5. सौंपे गये सभी विनिर्दिष्ट मामले।	
07 आयकर आयुक्त (अपील्स) —I नागपुर	नागपुर	अधिकारिता के अधीन सभी वार्ड/सर्किल/ रेंज तथा जिलों के सभी मामले जिनकी निर्धारित आय/ हानि रु. 1 लाख से अधिक है :—		नोट टिप्पणी.—सूची के स्तम्भ 4 में विनिर्दिष्ट वित्तीय सीमाओं का प्रचलन दिनांक 1-10-1998 से स्थगित होगा, जैसा कि कार्यालय के दिनांक 04-09-1998 के अधिसूचना के परिच्छेद 3 में विनिर्दिष्ट है, जो के. प्र. क. बो. के दिनांक 21-08-1998 की अधिसूचना सं. एस. ओ. 714 (ई) के अनुसर्जन में (भारत सरकार मंत्रालय अधिसूचना संख्या 10678 दिनांक 21-08-1998)			
		1. अपर आयकर आयुक्त/ आयकर उपायुक्त रेंज—1, नागपुर।		[मु. आ. / पु. तक/ आ. ओ (अ.) / अधिकारिता -I/1998-99/008]			
		2. अपर आयकर आयुक्त/ आयकर उपायुक्त, विशेष रेंज—1 नागपुर		जे. एम. मेहरा, मुख्य आयकर आयुक्त			
		3. अपर आयकर आयुक्त/ आयकर उपायुक्त अकोला रेंज, अकोला की अधिकारिता के अधीन अमरावती वर्धा तथा यवतमाल जिलों में स्थित सभी वार्ड/ सर्किल		Pune, the 4th September, 1998			
		4. सौंपे गये सभी विनिर्दिष्ट मामले।		S.O. 2117—In exercise of powers conferred on him by Central Board of Direct Taxes, under Sub-sections (1) & (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961) and C.B.D.T.'s Notification No. 10678 dated 21-08-98 and in supersession of all existing orders, the Chief Commissioner of Income-tax, Pune, hereby directs that :—			
				(1) The Commissioners of Income-tax (Appeals) specified in Column 2 of the Schedule hereto annexed having their Headquarters at the places specified in Column 3 of the said schedule, shall perform functions in respect of such territorial areas or of such incomes or classes of incomes or such classes of cases as assessed with the Income tax authorities specified in column 4 of the said schedule,			

(2) This notification shall come into force on and from 07-09-1998.

(3) The monetary limits specified in Column 4 of the Schedule will cease to operate with effect from 01-10-1998.

SCHEDULE

(Referred to in Notification Number 10678 dated 21-08-98)

Sr. No.	Designation	Head-quarters	Jurisdiction
(1)	(2)	(3)	(4)
01.	CIT(A)-I, Pune.	Pune	All the cases having assessed income/loss above Rs. 1 lakh in all Wards/Circles/Ranges & Districts within the jurisdiction of : 1. Commissioner of Income-tax-I, Pune. 2. All cases pertaining to TDS in respect of territorial area & class of persons within the jurisdiction of Addl. CIT/DCIT (TDS) Range, Pune. 3. All cases specifically assigned.
02.	CIT (A)-II, Pune	Pune	All the cases having assessed income/loss above Rs. 1 lakh in all the wards/circles/range & districts within the jurisdiction of :— 1. The Commissioner of Income-tax-II, Pune. 2. All cases specifically assigned.
03.	CIT(A), Thane	Thane	All cases having assessed income/loss above Rs. 1 lakh in all Wards/Circles/Ranges & Districts within the jurisdiction of :— 1. The Commissioner of Income-tax Thane. 2. All cases pertaining to TDS in respect of territorial area & class of persons within the jurisdiction of Addl. CIT/DCIT (TDS) Range, Thane. 3. All cases specifically assigned.
04.	CIT(A), Kolhapur	Kolhapur	All cases having assessed income/loss above Rs. 1 lakh in all Wards/Circles/Ranges & Districts within the jurisdiction of :— 1. Addl. CIT/Dy. CIT, Range-1, Kolhapur.

1	2	3	4
			2. Addl. CIT/Dy. CIT, Range-2, Solapur.
			3. Addl. CIT/Dy. CIT, Range-3, Kolhapur.
			4. Addl. CIT/Dy. CIT, Spl. Range-1, Kolhapur.
			5. All cases pertaining to TDS in respect of territorial area & class of persons within the jurisdiction of Addl. CIT/DCIT (TDS) Range, Kolhapur.
			6. All cases specifically assigned.
05.	CIT(A), Nasik	Nasik	1. All the cases having assessed income/loss above Rs. 1 lakh in all the wards/circles/range & districts within the jurisdiction of Addl. CIT/(CD) IT, Range-2, Jalgaon. 2. All the cases having assessed income/loss above Rs. 1 lakh & assessed by the ACsIT/ITOs under the Addl. CIT/DCIT, Range-I, Nasik. 3. All the cases assessed by the Addl. CIT/DCIT, Special Range-1, Nasik. 4. All cases specifically assigned.
06.	CIT(A), Aurangabad.	Aurangabad	1. All the cases having assessed income/loss above Rs. 1 lakh in all the wards/circles/range & districts within the jurisdiction of Addl. CIT/DCIT, Range-3, Aurangabad. 2. All the cases assessed by the Addl. CIT/DCIT, Special Range-2, Aurangabad. 3. All cases specifically assigned.
07.	CIT(A)-I, Nagpur	Nagpur	All cases having assessed income/loss above Rs. 1 lakh in all Wards/Circles/Ranges & Districts within the jurisdiction of :— 1. Addl. CIT/Dy. CIT, Range-1, Nagpur. Addl. CIT/DCIT, Spl. Range-1, Nagpur.

1	2	3	4
			3. All Wards/Circles located in the districts of Amravati, Wardha & Yeotmal within the jurisdiction of Addl. CIT/DCIT, Akola Range, Akola.
			4. All cases specifically assigned.
8. CIT(A)-I, Nagpur	Nagpur	All cases having assessed income/loss above Rs. 1 lakh in all Wards/Circles/Ranges & Districts within the jurisdiction of :—	1. Addl. CIT/DCIT, Range-2, Nagpur. 2. Addl. CIT/DCIT, Spl. Range-2, Nagpur. 3. All Wards/Circles located in the districts of Akola and Buldhana (under the jurisdiction of ITO Khamgaon) within the jurisdiction of Addl. CIT/DCIT, Akola Range, Akola. 4. All cases pertaining to TDS in respect of territorial area & class of persons within the jurisdiction of Addl. CIT/DCIT (TDS) Range, Nagpur. 5. All cases specifically assigned.

NOTE : The monetary limits specified in Column 4 of the Schedule will cease to operate with effect from 01-10-1998 as specified in para 3 of this office Notification dated 04-09-1998 pursuant to C.B.D.T. Notification No. S.O.714(E) dated 21-08-1998 (G.O.I. Press Notification No. 10678 dated 21-08-1998).

[CCIT/PN/Tech/CIT(A)/Juris.-I/1998-99/008]

J. M. MEHRA, Chief Commissioner of Income-Tax

कलकत्ता, 18 सितम्बर, 1998

सं. 7/98-99

का.आ. 2118.—बोर्ड के पत्र एफ सं. ए-11018/11/98-एड-VII दिनांक 31-8-98 द्वारा आयकर आयुक्त (अपील-XIII, कलकत्ता के प्रभार का स्थानान्तरण मुख्य आयकर आयुक्त, कलकत्ता के क्षेत्र से मुम्बई हो जाने के फलस्वरूप उक्त प्रभार तत्काल प्रभाव में रह जाता है।

आयकर अधिनियम, 1961 (1961 के 43) की धारा 120 की उपधारा (1) एवं (2) में दिये गये अधिकार, अधिसूचना सं. 9565 फा.सं. 279/129/93-2750 GI/98-2,

आई. टी. जे. (भाग-II) दिनांक 5-7-94 और एस.ओ. सं. 504 दिनांक 5-7-94 के अनुसार के.प्र.क.बो., नई दिल्ली द्वारा दिये गये अधिकार एवं मुझे सौंपे गये अन्य अधिकारों एवं इस संदर्भ में पूर्व अधिसूचनाओं का अधिग्रहण एवं आंशिक संशोधन करते हुए ऐसे अधिग्रहण के पहले किये गये मामलों या छूट जाने वाले मामलों को छोड़कर मैं मुख्य आयकर आयुक्त, कलकत्ता, एतद्द्वारा यह आदेश देता हूँ कि संलग्न अनुसूची के कालम-2 में विनिर्दिष्ट इस क्षेत्र के आयकर आयुक्त (अ) ऐसे व्यक्तियों के संबंध में अपने कृत्यों का पालन करेंगे जिनके आयकर अथवा धनकर या दानकर या अतिकर या ब्याजकर या व्ययकर या संपदा शुल्क का निर्धारण कालम-3 में विनिर्दिष्ट आयकर प्राधिकारियों/निर्धारण अधिकारियों के द्वारा आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खंड (ए) से (एच) तक, धनकर अधिनियम, 1957 (1957 का 27) की धारा 23 की उपधारा (ए) के खंड (ए) से (ई) तक, दानकर अधिनियम, 1958 (1958 का 18) की धारा 22(ए) के खंड (ए) से (ई) तक, कंपनी (लाभ) अतिकर अधिनियम, 1964 (1964 का 7) की धारा 11 की उपधारा (1), ब्याजकर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) और ब्याजकर अधिनियम, 1987 (1987 का 35) की धारा 22 की उपधारा (1) और संपदा शुल्क अधिनियम, 1953 की धारा 62 में उल्लिखित किन्हीं आदेशों से व्यथित हों।

2. जहां तक आयकर सर्कल, बोर्ड अथवा विशेष रेंज या उनके अंश इस अधिसूचना द्वारा एक प्रभार से दूसरे प्रभार में स्थानान्तरित हो गये हों, इस अधिसूचना के जारी होने के तुरन्त पहले आयुक्त आयुक्त (अ) के समीप उन आयकर बोर्ड/सर्कल/विशेष रेंज अथवा उनके अंश में हुई निर्धारण से उद्भूत अपील लंबित हों तो इस अधिसूचना के लागू होने की तिथि से उन विशेष बोर्ड/सर्कल/विशेष रेंज अथवा उनके अंश से स्थानान्तरित किये गये मामलों का निष्पादन उन आयकर आयुक्त (अ) के द्वारा किये जायेंगे, जिनके अधीन उक्त बोर्ड/सर्कल/विशेष रेंज अथवा उनके अंश स्थानान्तरित किये गये हों।

3. यह आदेश अधिसूचना की तिथि से प्रभावी होगा।

अनुसूची

आयकर आयुक्त (अ) का क्षेत्राधिकार

क्र.	आयकर आयुक्त (अ)	क्षेत्राधिकार
सं.	पदनाम	
1	आयकर आयुक्त (अ)—I, कलकत्ता	(क) आयकर उपायुक्त, रेंज-1 कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।

1	2	3	1	2	3
		(ख) आयकर उपायुक्त, वि. रेंज-I, कलकत्ता तथा/अथवा आयकर उपायुक्त विशेष रेंज-11 के अधीन सभी निर्धारण अधिकारी ।			
		(ग) आयकर उपायुक्त, वि. रेंज-22 कलकत्ता तथा/ अथवा आयकर उपायुक्त वि. रेंज-22 के अधीन सभी निर्धारण अधिकारी ।			
2 आयकर आयुक्त (अ)—VI कलकत्ता		(क) आयकर उपायुक्त रेंज-7, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।	4. आयकर आयुक्त (अ)—X, कलकत्ता		(क) सभी निर्धारण अधिकारी जिनके अधीन कार्यरत वे हैं :—
		(ख) आयकर उपा. वि. रें. I तथा/अथवा आयकर उपा- युक्त विशेष रेंज-1 के अधीन सभी निर्धारण अधिकारी ।			(i) आयकर उपा., जलपाई- गुड़ी रेंज, जलपाईगुड़ी ।
		(ग) आयकर उपा. रेंज-22, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।			(ii) आयकर उपा. मिलीगुड़ी, रेंज-सलीगुड़ी ।
		(घ) आयकर उपा. वि. रें-2, कल. तथा/अथवा आयकर उपायुक्त विशेष रेंज-2 के अधीन सभी निर्धारण अधिकारी ।			(ख) आयकर उपा. वि. रें. जलपाईगुड़ी तथा/अथवा आयकर उपायुक्त विशेष रेंज- जलपाईगुड़ी के अधीन कार्यरत सभी निर्धारण अधिकारी ।
3. आयकर आयुक्त (अ)—VII, कलकत्ता		(क) आयकर उपा. रेंज-13, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।			(ग) आयकर उपा. वि. रेंज-1, कलकत्ता तथा/अथवा आयकर उपायुक्त, वि. रें-10 के अधीन कार्यरत सभी निर्धारण अधिकारी
		(ख) आयकर उपा. रेंज-15, कल. के अधीन कार्यरत सभी निर्धारण अधिकारी ।			(घ) आयकर उपा. वि. रेंज-21 कलकत्ता तथा/अथवा आयकर उपायुक्त विशेष रेंज-21 के अधीन कार्यरत सभी निर्धारण अधिकारी ।
		(ग) आयकर उपा. रेंज-21, कल. के अधीन कार्यरत सभी निर्धारण अधिकारी ।			(ङ) आयकर उपा. रेंज-6 कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।
		(घ) आयकर उपा. वि. रेंज-7, कल. तथा/अथवा आयकर उपा. विशेष रेंज-7 के अधीन कार्यरत सभी निर्धारण अधिकारी ।	5. आयकर उपायुक्त (अ)—XII, कलकत्ता		(क) आयकर उपा. रेंज-10 कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।
		(ङ) आयकर उपा. वि. रेंज-8, कलकत्ता तथा/अथवा आयकर उपायुक्त विशेष रेंज-8 के अधीन कार्यरत सभी निर्धारण अधिकारी ।			(ख) आयकर उपा. रेंज-11, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।
					(ग) आयकर उपायुक्त रेंज-20, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी ।
					(घ) आयकर उपा. वि. रेंज-12, कलकत्ता तथा/ अथवा आयकर उपायुक्त, विशेष रेंज-12 के अधीन कार्यरत सभी निर्धारण अधिकारी ।

(क) सहायक आ.आ.

(अनु.) सर्कल- II (1),

गोहाटी, विशेष मामलों की
कसकता में स्थानांतरण
प्र.क.बो. द्वारा किये जाने
के सन्दर्भ में।

(ख) आयकर उपा. (छूट)

कलकत्ता, के अधीन कार्यरत
सभी निर्धारण अधिकारी।

[सं.पू.सी.मुखा. योजना/30/98-99]

पी.के. अमा, मुख्य आयकर आयुक्त

Calcutta, the 18th September, 1998

No. 7/98-99

S.O. 2118.—Consequent to transfer of the charge of Commissioner of Income-tax (Appeals)-XIII, Calcutta from the region of the Chief Commissioner of Income-tax, Calcutta to Mumbai, vide Board's letter vide F. No. A-11018/11/98-Ad. VII dated 31-8-1998, the said charge stands abolished with immediate effect.

In exercise of the powers conferred by the Sub-section (1) & (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961) and the powers conferred on me by the Central Board of Direct Taxes, New Delhi, vide Notification No. 9565, F. No. 279/129/93-ITJ (Pt.-II) dated 5-7-1994 and S. O. No. 504 dated 5-7-1994 and all other powers enabling me in this behalf and in partial modification and in supersession of all earlier Notifications made in this behalf, except in respect of things done or omitted to be done before such supersession, I, the Chief Commissioner of Income-tax, Calcutta hereby direct that the Commissioners of Income-tax (Appeals) of this region specified in Column 2 of the Schedule attached hereto, shall perform their functions in respect of such persons assessed to Income-tax or Expenditure Tax or Sur-Tax or Interest Tax or Expenditure Tax or Estate Duty by the Income-tax Authorities/Assessing Officer specified in Column 3 thereof as are aggrieved by any orders mentioned in clauses (a) to (h) of Sub-Section (2) of Section 246 of the Income-tax Act, 1961, Clauses (a) to (e) of Sub-section (1A) of Section 23 of the Wealth Tax Act, 1957 (27 of 1957), Clauses (a) to (e) of Sub-section (1A) of Section 22 of the Gift-Tax Act, 1958 (18 of 1958), Sub-section (1) of Section 11 of the Companies (Profit) Sur-Tax Act, 1984 (7 of 1984), Sub-section (1) of Section 15 of the Interest-Tax Act, 1974 (45 of 1974), Sub-section (1) of Section (22) of the Expenditure Tax Act, 1987 (35 of 1987) and Section 62 of the Estate Duty Act, 1953.

2. Where an Income-tax Circle, Ward of D.C. Range or Special Range or part thereof stands transferred by this Notification from one Charge to another, appeals arising out of the assessments made in that Income-tax Ward/Circle/Special Range or Part thereof and pending, immediately before the date from which this Notification takes effect, therefore the Commissioner of Income-tax (Appeals) from whose charge the particular Income-tax Ward/Circle/Special Range or part thereof is transferred, shall, from the date from which this Notification takes effect, be transferred to and dealt with by the Commissioner of Income tax (Appeals) to whom the said Ward/Circle Special Range or part thereof is transferred.

3. This Order shall take effect from the date of the Notification.

SCHEDULE

JURISDICTION OF THE COMMISSIONER OF INCOME-TAX (APPEALS)

Sl. No.	Designation of the Commissioner of Income-tax (Appeals)	Jurisdiction
1	2	3
1.	Commissioner of Income-tax (Appeals)-I, Calcutta.	(a) All the Assessing Officer functioning under the Deputy Commissioner of Income-tax, Range-1, Calcutta. (b) The Deputy Commissioner of Income-tax, Special Range-11, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-tax, Special Range-11, Calcutta. (c) The Deputy Commissioner of Income-tax, Special Range-22, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-tax, Special Range-22, Calcutta.
2.	Commissioner of Income-tax (Appeals)-VI, Calcutta.	(a) All the Assessing Officers functioning under the Deputy Commissioner of Income-tax, Range-7, Calcutta. (b) The Deputy Commissioner of Income-tax Special Range-1, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-tax, Special Range-1, Calcutta.

1	2	3	1	2	3
		(c) All the Assessing Officers functioning under the Deputy Commissioner of Income-tax, Range-22, Calcutta.			(c) The Deputy Commissioner of Income-tax, Special Range-10, Calcutta and/or all Assessing Officers subordinate to the Deputy Commissioner of Income-tax, Special Range-10, Calcutta.
		(d) The Deputy Commissioner of Income-tax, Special Range-2, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-tax, Special Range-2, Calcutta.			(d) The Deputy Commissioner of Income-tax, Special Range-21, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-tax, Special Range-21, Calcutta.
3. Commissioner of Income-tax (Appeals)-VII, Calcutta.	(a)	All the Assessing Officers functioning under the Deputy Commissioner of Income-tax, Range-13, Calcutta.			(e) All the Assessing Officers functioning under the Deputy Commissioner of Income-tax, Range-6, Calcutta.
	(b)	All the Assessing Officers functioning under the Deputy Commissioner of Income-tax, Range-15, Calcutta.	5. Commissioner of Income-tax (Appeals)-XII, Calcutta.	(a)	All the Assessing Officers functioning under the Deputy Commissioner of Income-tax, Range-10, Calcutta.
	(c)	All the Assessing Officers functioning under the Deputy Commissioner of Income-tax, Range-21, Calcutta.		(b)	All the Assessing Officers functioning under the Deputy Commissioner of Income-tax, Range-11, Calcutta.
	(d)	The Deputy Commissioner of Income-tax, Special Range-7, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-tax, Special Range-7, Calcutta.		(c)	All the Assessing Officers functioning under the Deputy Commissioner of Income-tax, Range-20, Calcutta.
	(e)	The Deputy Commissioner of Income-tax, Special Range-8, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-tax, Special Range-8, Calcutta.		(d)	The Deputy Commissioner of Income-tax, Special Range-12, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-tax, Special Range-12, Calcutta.
4. Commissioner of Income-tax (Appeals)-X, Calcutta.	(a)	All the Assessing Officers functioning under :—		(e)	The Assistant Commissioner of Income-tax (Investigation) Circle-II(I), Guwahati in respect of the specific case transferred by the Central Board of Direct Taxes to Calcutta.
	(i)	Deputy Commissioner of Income-tax, Jalpaiguri Range Jalpaiguri.		(f)	All the Assessing Officers functioning under the Deputy Director of Income-tax (Exemption), Calcutta
	(ii)	Deputy Commissioner of Income-tax, Siliguri Range, Siliguri.			
	(b)	The Deputy Commissioner of Income-tax, Special Range-Jalpaiguri and/or all Assessing Officers subordinate to the Deputy Commissioner of Income-tax, Special Range-Jalpaiguri.			

राजस्व विभाग

नई दिल्ली, 29 जुलाई, 1998

(आयकर)

का.आ. 2119.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “श्री गोकर्ण पार्थगली जिवोतम मठ, मुम्बई” को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिये निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(1) कर-निर्धारिती इसकी आय का हस्तेमान अथवा इसकी आय का हस्तेमान करने के लिये इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिए इसकी स्थापना की गई है,।

(2) कर-निर्धारिती ऊपर-उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेख पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10651/फा.सं. 197/4/98-आईटीए-1]

समर भद्र, अवर सचिव

(Department of Revenue)

New Delhi, the 29th July, 1998

(INCOME TAX)

S.O. 2119.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Shree Gokarn Parthagali Jeevatham Math, Mumbai for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10651 F. No. 197/4/98-ITA-1]

SAMAR BHADRA. Under Secy.

(राजस्व विभाग)

नई दिल्ली, 18 सितम्बर, 1998

का.आ. 2120.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दी चीफ खालसा दिवान, अमृतसर” को कर-निर्धारण वर्ष 1997-98 से 1999-2000 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती इसकी आय का हस्तेमान अथवा इसकी आय का हस्तेमान करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेख-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10696/फा.सं. 197/32/98-आयकर
नं०-1]

समर भद्र, अवर सचिव

New Delhi, the 18th September, 1998

(INCOME-TAX)

S.O. 2120.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of Section 10 of the Income-tax Act, 1961 (53 of 1961), the Central Government hereby notifies The Chief Khalsa Diwan, Amritsar for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and

exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10696/F. No. 197/32/98-JTA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 24 सितम्बर, 1998

(आयकर)

का०आ० 2121.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "आर्चरी एसोसिएशन आफ इण्डिया, नई दिल्ली" को वर्ष 1998-99 से 2000-01 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खण्ड (23) द्वारा यथा-संशोधित धारा 11 की उप-धारा (2) तथा (3) के उपबन्धों के अनुरूप, पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेल-जहाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खण्ड (23) के तहत परम्पुके के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप

में प्राप्त तथा रख-रखाव में स्वेच्छिक अनुदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) कर-निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संवितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और

(iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

अधिसूचना सं. 10709/फा.सं. 196/17/98-आयकर नि. 1]

समर भद्र, अवर सचिव

New Delhi, the 24th September, 1998

(INCOME TAX)

S.O. 2121.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Archery Association of India", New Delhi for the purpose of the said clause for assessment years 1998-99 to 2000-01 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-sections (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest on deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provisions to the aforesaid clause (23) or any period during the previous year(s) relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it;

(iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business.

[Notification No. 10709/F. No. 196/17/98-ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 9 अक्टूबर, 1998

(आयकर)

कां०आ० 2122 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) द्वारा प्रदत्त शक्तियों शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “बुल-सर क्रिकेट एसोसिएशन”, गुजरात को वर्ष 1997-98 से 1999-2000 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए, उसका संचयन इस प्रकार के संचयन हेतु उक्त खण्ड (23) द्वारा यथा-संशोधित धारा 11 की उप-धारा (2) तथा (3) के उपबन्धों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ठंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि [जेवर, जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खण्ड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वच्छिक अंशदान से भिन्न] का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) कर-निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संचितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा, और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के

लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में आमग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 10719/फा०सं० 196/26/97-आयकर
नि०-I]

समर भद्र, अवर सचिव

New Delhi, the 9th October, 1998

(INCOME-TAX)

S.O. 2122.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Bulsar Cricket Association”, Gujarat for the purpose of the said clause for assessment years 1997-98 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest on deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous year(s) relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it;
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10719/F. No. 196/26/97-ITA-I]

SAMAR BHADRA, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

3

(स्वास्थ्य विभाग)

नई दिल्ली, 18 अगस्त, 1998

का. आ. 2123:—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय दंत चिकित्सा परिषद से परामर्श करने के पश्चात् एतद्वारा उक्त अधिनियम की अनुसूची के भाग—1 में निम्नलिखित और संशोधन करती है, नामतः—

उक्त अनुसूची के भाग—1 में गुरु नानक देव विश्वविद्यालय की क्रम संख्या 20 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियाँ रखी जाएंगी, नामतः—

1	2	3
20. गुरु नानक देव विश्वविद्यालय, अमृतसर	(1) बॅचलर ऑफ देंटल सर्जरी	बी. डी. एस. गुरु नानक देव विश्वविद्यालय, अमृतसर के बी. डी. एस. के छात्रों के संबंध में यह शर्त तभी एक मान्यता-प्राप्त शर्त होगी यदि यह 9-5-98 को या उसके बाद प्रदान की गई हो।

[संख्या बी-12017/7/94-पी. एम. एस.]
विनीत चौधरी, निदेशक (चिकित्सा शिक्षा)

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, the 18th August, 1998

S.O. 2173.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendment in Part-I of the Schedule to the said Act, namely :—

In Part-I of the said Schedule, at serial number 20 of Guru Nanak Dev University, Amritsar and the entries relating thereto, the following entries shall be substituted, namely:—

1	2	3
20. Guru Nanak Dev University, Amritsar	(i) Bachelor of Dental Surgery	B.D.S. Guru Nanak Dev University, Amritsar

This qualification shall be a recognised dental qualification in respect of BDS students of Guru Ram Das Institute of Dental Sciences & Research, Amritsar when granted on or after 9-5-96.

[No. V-12017/7/94-PMS]

VINEET CHAUDHRY, Director (ME)

कृषि मंत्रालय

(कृषि और सहकारिता विभाग)

नई दिल्ली, 21 अक्टूबर, 1998

का.आ.2124.—केन्द्रीय सरकार बहु-राज्य सहकारी समिति अधिनियम, 1984 (1984 का 51) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार की अधिसूचना सं. एल-11012/1/85-एल.एंड एम. दिनांक 19 सितम्बर, 1997 का अधिक्रमण करते हुए एतद्वारा कृषि मंत्रालय, कृषि एवं सहकारिता विभाग में संयुक्त सचिव, श्री मोहन कन्दा को आगामी आदेशों तक केन्द्रीय पंजीयक, सहकारी समिति के पद पर नियुक्त करती है।

[सं.एल-11012/1/85-एल. एंड एम.]

के.सी. घोष, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi, the 21st October, 1998

S.O. 2124.—In exercise of the powers conferred vide sub-section (1) of Section 4 of the Multi-state Cooperative Societies Act, 1984 (51 of 1984) and in supersession of the Government of India Notification No. L-11012/1/85-L&M dated 19th September, 1997, the Central Government hereby appoints Shri Mohan Kanda, Joint Secretary in the Ministry of Agriculture, Department of Agriculture and Cooperation as the Central Registrar of Cooperative Societies till further orders.

[No. L-11012/1/85-L&M]

K. C. GHOSH, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 22 अक्टूबर, 1998

का. आ. 2125.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1610, तारीख 10 अगस्त, 1998 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 15 अगस्त, 1998 को उपलब्ध करा दी गई थी;

उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित किए जाने चाहिए;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए, सभी विद्यमानों से रहित, भारत ओमान रिफाईनरीज़ लिमिटेड में निहित होगा।

अनुसूची				
तालुका: उमरेठ	जिला:आणंद	राज्य: गुजरात		
गांव का नाम	सर्वेक्षण सं./ खंड सं.	क्षेत्र हेक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)
वणसोल	41/2	0	04	25
	41/3/1	0	12	40
	41/3/2	0	14	50
	42/5पैकी	0	04	98
	43/1	0	06	50
	43/2	0	06	72
	43/3	0	07	86
	43/4+5+6	0	09	00
	78/1	0	39	40
	80/5/1	0	00	93
	79	0	17	13
	236/पैकी	0	00	44
	239	0	23	78
	238/1	0	09	88
	238/2	0	07	00
	247+248	0	12	20
	237/1+2	0	02	94
	249/1	0	03	95
	249/2	0	08	00
	256	0	26	40
	257/3	0	08	22
	257/4	0	11	33
	267/1	0	02	60
	267/2	0	30	73
	267/3	0	00	60
	270	0	03	42
	271/1+3	0	12	36
	269	0	12	96
	285/1	0	03	24
	286	0	44	47
	287/1+2+3पैकी	0	21	25
	287/1+2+3पैकी	0	10	00
	459/1	0	05	74

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	458/1	0	07	00		1037	0	14	30
	458/2	0	05	95		1038	0	08	56
	455	0	02	79		1051	0	03	39
	456	0	15	01		1039	0	08	46
	453/6	0	03	00		1040	0	02	49
	453/7	0	18	86		1050	0	13	22
	444	0	09	76		1049	0	15	39
	443	0	01	50		1047	0	01	05
	445	0	11	08		1071	0	12	25
	446	0	20	78		1072	0	11	64
	447	0	16	53		1218	0	11	42
	448	0	18	05		1217	0	31	20
	438/2	0	12	76		1228	0	22	80
	439/1	0	25	78		1229	0	09	66
	437	0	01	76		1227	0	12	00
	433	0	02	69		1230	0	48	60
	432/1	0	40	54		1231	0	01	60
	432/2	0	19	00		114	0	01	82
	488	0	09	96		113	0	45	56
पणसोरा	841	0	06	10		117	0	10	35
	866 पैकी	0	27	20		118	0	30	93
	866 पैकी	0	15	58		105	0	06	03
	866 पैकी	0	07	45		121	0	07	74
	865	0	55	39		122	0	02	58
	862 पैकी	0	15	01		104	0	10	98
	926	0	02	10		103	0	16	54
	925	0	34	00		102	0	19	20
	903	0	05	62		101	0	17	64
	924	0	13	15		156	0	28	63
	923	0	07	01		339	0	00	69
	929	0	01	62		338	0	35	66
	922	0	32	37		337	0	00	96
	921	0	30	00		336	0	20	11
	932	0	20	00		335	0	12	82
	916	0	22	25		324	0	00	54
	909	0	11	10		334	0	09	09

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	325	0	18	29		1190/2	0	27	00
	323	0	01	80		1133/1	0	25	68
	326	0	30	46		1133/2	0	05	18
	312	0	06	38		1132	0	28	33
	327	0	09	00		1131	0	23	05
	328	0	37	20		1130/पैकी	0	25	71
	412	0	02	09		1121 पैकी	0	02	80
	413	0	47	16		1121 पैकी	0	25	29
	414	0	13	13		1120	0	33	93
घोरा	297/पैकी	0	42	27		1119/1	0	13	00
	298	0	05	00		1119/2	0	05	00
	295	0	14	84		1119/5	0	13	20
	296/1	0	18	15		1119/6	0	08	25
	294	0	01	10		1119/9पैकी	0	12	47
	290	0	38	39		1119/9पैकी	0	04	54
	293	0	13	00		1119/7	0	06	10
	292/1	0	06	35		1119/8	0	10	00
	292/2	0	03	20		1118/2	0	09	72
	292/3	0	05	92		876	0	18	66
	262/1	0	17	83		877	0	37	70
	264/1+2/1	0	19	42		878/3	0	05	29
	264/2/2	0	14	82		878/4	0	18	17
	264/3	0	46	88		879	0	20	00
	265/1	0	02	28		880/1	0	15	76
	265/2	0	01	28		880/3	0	13	80
	265/3	0	01	23		911	0	00	14
	265/4	0	01	17		912	0	15	09
	266	0	02	78		910	0	20	49
लिंगडा	80/1	0	09	20		913	0	06	68
	80/2	0	28	00		909	0	21	69
धामणा	1180	0	03	06		917/1	0	00	86
	1181/1	0	13	87		905/1	0	27	24
	1181/2	0	20	83		905/2	0	26	00
	1184	0	33	91		904/2	0	06	89
	1191/2	0	35	77		893	0	13	00
	1190/1	0	34	37		894	0	02	80

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	890/1	0	11	00		344	0	11	55
	890/3	0	04	85		345	0	12	25
	890/4	0	10	00		346/1	0	08	21
	805	0	15	96		346/2	0	04	20
	804	0	09	23		346/3	0	04	00
	802/1	0	00	80		346/4	0	05	61
	802/2	0	05	00		346/5	0	03	59
	803/2	0	25	57		347/1/2/1	0	19	38
	513/1	0	27	87		347/2/2/4/1	0	13	25
	514/2	0	00	52		348/1	0	13	37
						349	0	17	02
	512/1	0	10	73		350	0	06	39
	520	0	01	94		325	0	15	01
	511	0	11	07		326	0	23	54
	527/1	0	13	50		313	0	12	01
	527/2	0	06	90		310/1	0	27	07
	526/4	0	00	04		309/1	0	14	00
	525/2	0	03	00		309/2	0	13	29
	525/3	0	12	29	उमरेठ	151	0	03	40
	533	0	27	78		153	0	18	07
	534	0	27	53		175/1	0	36	59
	547	0	01	72		175/2	0	00	55
	535	0	09	36		174/1	0	20	17
	537	0	04	07		174/2	0	19	09
	536	0	05	37		179/3	0	00	10
	458/1	0	02	04		180/2	0	00	55
	458/2	0	02	80		180/3	0	00	63
	458/3	0	01	62		181/2	0	09	55
	457	0	21	86		181/3	0	00	77
	456	0	11	40		182	0	13	25
	454	0	00	46		183/1	0	01	20
	797	0	13	43		185/1+2	0	36	15
	798	0	01	73		186	0	08	95
	342	0	22	72		424/1+2+3+4	0	18	01
	339	0	07	28		424/5	0	06	05
	340	0	23	39		423	0	25	35
	343	0	07	79					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
422		0	24	52	793		0	32	03
420/1		0	12	00	794		0	06	93
420/2		0	12	35	795/1		0	01	42
419		0	24	40	795/2		0	09	00
320		0	04	15	795/3		0	10	32
413		0	00	16	795/4		0	22	11
414		0	03	20	852		0	14	50
415/2		0	01	29	853		0	18	50
415/3		0	05	52	854		0	06	40
415/4		0	02	99	849/3		0	11	00
416/1		0	16	70	849/4		0	30	94
416/2		0	12	00	851		0	10	05
416/3		0	01	00	850		0	01	88
416/4		0	07	85	848/2		0	00	48
418		0	00	10	841		0	00	40
464/1		0	17	42	845		0	16	48
464/2		0	01	08	842		0	24	15
474		0	12	20	839		0	16	67
475 पैकी		0	00	45	885/1		0	00	40
475 पैकी		0	13	95	837		0	18	80
476 पैकी		0	14	55	838		0	03	39
407		0	19	05	836		0	06	50
601/1		0	10	23	888		0	15	00
601/2		0	13	42	917		0	12	90
602/1		0	03	76	918		0	22	45
602/3		0	03	24	920		0	35	57
600/3		0	13	10	921		0	02	53
646/1		0	00	32	923/पैकी		0	18	80
646/2		0	02	58	923/पैकी		0	18	35
596		0	36	10	978/1+2		0	01	20
649		0	18	90					
653		0	37	70					
669		0	28	90					
666/1		0	12	50					
666/2		0	11	00					
792		0	00	08					

[फा. सं. आर-31015/38/97-ओआर. II]

ज क मायल अवर सप्टिद

Ministry of Petroleum and Natural Gas

New Delhi, the 22nd October, 1998

S.O. 2125.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S. O. 1610 dated the 10th day of August, 1998, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum.

And whereas, the copies of the said gazette notification were made available to the public on the 15th day of August, 1998:

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government:

And whereas, the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Bharat Oman Refineries Limited.

Schedule**Taluka : Umreth District : Anand State:Gujarat**

Name of Village	Survey/Block Number	Area Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)
Vansol	41/2	0	04	25
	41/3/1	0	12	40
	41/3/2	0	14	50
	42/5Paiki	0	04	98
	43/1	0	06	50
	43/2	0	06	72
	43/3	0	07	86
	43/4+5+6	0	09	00
	78/1	0	39	40
	80/5/1	0	00	93
	79	0	17	13
	236/Paiki	0	00	44
	239	0	23	78
	238/1	0	09	88
	238/2	0	07	00
	247+248	0	12	20
	237/1+2	0	02	94
	249/1	0	03	95
	249/2	0	08	00
	256	0	26	40
	257/3	0	08	22
	257/4	0	11	33
	267/1	0	02	60
	267/2	0	30	73
	267/3	0	00	60
	270	0	03	42
	271/1+3	0	12	36
	269	0	12	96
	285/1	0	03	24
	286	0	44	47
	287/1+2+3Paiki	0	21	25
	287/1+2+3Paiki	0	10	00
	459/1	0	05	74

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	458/1	0	07	00		1037	0	14	30
	458/2	0	05	95		1038	0	08	56
	455	0	02	79		1051	0	03	39
	456	0	15	01		1039	0	08	46
	453/6	0	03	00		1040	0	02	49
	453/7	0	18	86		1050	0	13	22
	444	0	09	76		1049	0	15	39
	443	0	01	50		1047	0	01	05
	445	0	11	08		1071	0	12	25
	446	0	20	78		1072	0	11	64
	447	0	16	53		1218	0	11	42
	448	0	18	05		1217	0	31	20
	438/2	0	12	76		1228	0	22	80
	439/1	0	25	78		1229	0	09	66
	437	0	01	76		1227	0	12	00
	433	0	02	69		1230	0	48	60
	432/1	0	40	54		1231	0	01	60
	432/2	0	19	00		114	0	01	82
	488	0	09	96		113	0	45	56
Pansora	841	0	06	10		117	0	10	35
	866Paiki	0	27	20		118	0	30	93
	866Paiki	0	15	58		105	0	06	03
	866Paiki	0	07	45		121	0	07	74
	865	0	55	39		122	0	02	58
	862Paiki	0	15	01		104	0	10	98
	926	0	02	10		103	0	16	54
	925	0	34	00		102	0	19	20
	903	0	05	62		101	0	17	64
	924	0	13	15		156	0	28	63
	923	0	07	01		339	0	00	69
	929	0	01	62		338	0	35	66
	922	0	32	37		337	0	00	96
	921	0	30	00		336	0	20	11
	932	0	20	00		335	0	12	82
	916	0	22	25		324	0	00	54
	909	0	11	10		334	0	09	09

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	325	0	18	29		1190/2	0	27	00
	323	0	01	80		1133/1	0	25	68
	326	0	30	46		1133/2	0	05	18
	312	0	06	38		1132	0	28	33
	327	0	09	00		1131	0	23	05
	328	0	37	20		1130/Paiki	0	25	71
	412	0	02	09		1121 Paiki	0	02	80
	413	0	47	16		1121 Paiki	0	25	29
	414	0	13	13		1120	0	33	93
Ghora	297/Paiki	0	42	27		1119/1	0	13	00
	298	0	05	00		1119/2	0	05	00
	295	0	14	84		1119/5	0	13	20
	296/1	0	18	15		1119/6	0	08	25
	294	0	01	10		1119/9Paiki	0	12	47
	290	0	38	39		1119/9Paiki	0	04	54
	293	0	13	00		1119/7	0	06	10
	292/1	0	06	35		1119/8	0	10	00
	292/2	0	03	20		1118/2	0	09	72
	292/3	0	05	92		876	0	18	66
	262/1	0	17	83		877	0	37	70
	264/1+2/1	0	19	42		878/3	0	05	29
	264/2/2	0	14	82		878/4	0	18	17
	264/3	0	46	88		879	0	20	00
	265/1	0	02	28		880/1	0	15	76
	265/2	0	01	28		880/3	0	13	80
	265/3	0	01	23		911	0	00	14
	265/4	0	01	17		912	0	15	09
	266	0	02	78		910	0	20	49
Lingada	80/1	0	09	20		913	0	06	68
	80/2	0	28	00		909	0	21	69
Thamana	1180	0	03	06		917/1	0	00	86
	1181/1	0	13	87		905/1	0	27	24
	1181/2	0	20	83		905/2	0	26	00
	1184	0	33	91		904/2	0	06	89
	1191/2	0	35	77		893	0	13	00
	1190/1	0	34	37		894	0	02	80

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	890/1	0	11	00		344	0	11	55
	890/3	0	04	85		345	0	12	25
	890/4	0	10	00		346/1	0	08	21
	805	0	15	96		346/2	0	04	20
	804	0	09	23		346/3	0	04	00
	802/1	0	00	80		346/4	0	05	61
	802/2	0	05	00		346/5	0	03	59
	803/2	0	25	57		347/1/2/1	0	19	38
	513/1	0	27	87		347/2/2/4/1	0	13	25
	514/2	0	00	52		348/1	0	13	37
	512/1	0	10	73		349	0	17	02
	520	0	01	94		350	0	06	39
	511	0	11	07		325	0	15	01
	527/1	0	13	50		326	0	23	54
	527/2	0	06	90		313	0	12	01
	526/4	0	00	04		310/1	0	27	07
	525/2	0	03	00		309/1	0	14	00
	525/3	0	12	29		309/2	0	13	29
	533	0	27	78	Umreth	151	0	03	40
	534	0	27	53		153	0	18	07
	547	0	01	72		175/1	0	36	59
	535	0	09	36		175/2	0	00	55
	537	0	04	07		174/1	0	20	17
	536	0	05	37		174/2	0	19	09
	458/1	0	02	04		179/3	0	00	10
	458/2	0	02	80		180/2	0	00	55
	458/3	0	01	62		180/3	0	00	63
	457	0	21	86		181/2	0	09	55
	456	0	11	40		181/3	0	00	77
	454	0	00	46		182	0	13	25
	797	0	13	43		183/1	0	01	20
	798	0	01	73		185/1+2	0	36	15
	342	0	22	72		186	0	08	95
	339	0	07	28		424/1+2+3+4	0	18	01
	340	0	23	39		424/5	0	06	05
	343	0	07	79		423	0	25	35

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	422	0	24	52		792	0	00	08
	420/1	0	12	00		793	0	32	03
	420/2	0	12	35		794	0	06	93
	419	0	24	40		795/1	0	01	42
	320	0	04	15		795/2	0	09	00
	413	0	00	16		795/3	0	10	32
	414	0	03	20		795/4	0	22	11
	415/2	0	01	29		852	0	14	50
	415/3	0	05	52		853	0	18	50
	415/4	0	02	99		854	0	06	40
	416/1	0	16	70		849/3	0	11	00
	416/2	0	12	00		849/4	0	30	94
	416/3	0	01	00		851	0	10	05
	416/4	0	07	85		850	0	01	88
	418	0	00	10		848/2	0	00	48
	464/1	0	17	42		841	0	00	40
	464/2	0	01	08		845	0	16	48
	474	0	12	20		842	0	24	15
	475 Paiki	0	00	45		839	0	16	67
	475 Paiki	0	13	95		885/1	0	00	40
	476 Paiki	0	14	55		837	0	18	80
	407	0	19	05		838	0	03	39
	601/1	0	10	23		836	0	06	50
	601/2	0	13	42		888	0	15	00
	602/1	0	03	76		917	0	12	90
	602/3	0	03	24		918	0	22	45
	600/3	0	13	10		920	0	35	57
	646/1	0	00	32		921	0	02	53
	646/2	0	02	58		923/Paiki	0	18	80
	596	0	36	10		923/Paiki	0	18	35
	649	0	18	90		978/1+2	0	01	20
	653	0	37	70					
	669	0	28	90					
	666/1	0	12	50					
	666/2	0	11	00					

[File No R-31015/38/97-OR II]

J.K. Mayall, Under Secy.

नई दिल्ली, 22 अक्टूबर, 1998

का. आ. 2126.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1611, तारीख 10 अगस्त, 1998 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 15 अगस्त, 1998 को उपलब्ध करा दी गई थी;

उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सदस्य प्राधिकारों ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित किए जाने चाहिए,

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए, सभी विलुप्तियों से रहित, भारत ओमान रिफाईनरीज़ लिमिटेड में निहित होगा।

अनुसूची				
तालुका: ठासरा	जिला: खेडा	राज्य: गुजरात		
गांव का नाम	सर्वेक्षण सं./ खंड सं.	क्षेत्र हेक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)
सीमलज	16 पैकी	0	01	00
	16 पैकी	0	15	56
	17	0	46	70
	18	0	10	92
	19	0	00	56
	59 पैकी	0	21	50
	59 पैकी	0	21	55
	60	0	17	75
	63	0	17	94
	64 पैकी	0	20	43
	64 पैकी	0	14	00
	65	0	09	13
	89/पैकी	0	31	92
	90	0	02	00
	91	0	09	57
	94	0	00	88
	153	0	20	70
	154	0	23	75
	156 पैकी	0	03	00
	156 पैकी	0	38	23
	158	0	01	22
	159	0	17	10
	169	0	02	55
	482	0	32	33
जाखेड	874	0	02	40
	875	0	26	20
	763	0	27	33
	764	0	18	76

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	765	0	18	52		186	0	11	81
	766	0	10	28		187	0	10	37
	767	0	16	37		185	0	02	78
	768 पैकी	0	03	00		183	0	20	51
	768 पैकी	0	02	66		184	0	00	25
	770	0	06	00		176	0	05	40
	769	0	31	50		177	0	20	91
	772	0	03	63		175	0	16	89
	775	0	06	13		136	0	13	91
	774	0	07	52		137	0	07	50
	773	0	05	26		138	0	12	00
	721	0	27	00		110	0	04	86
	772	0	01	14		109	0	14	33
	587	0	17	50		102	0	18	03
	588 पैकी	0	23	71		105 पैकी	0	04	92
	582 पैकी	0	37	02		105 पैकी	0	12	00
	581	0	20	25		103	0	02	85
	541	0	12	78		104	0	11	25
	540 पैकी	0	02	06		95	0	51	56
	540 पैकी	0	21	00		84	0	00	05
	536	0	14	40	कालसर	817	0	23	55
	538	0	00	10		816	0	24	70
	537	0	14	03		818	0	00	42
	278	0	23	03		826	0	20	10
	277	0	02	40		830	0	04	20
	275	0	09	76		825	0	07	32
	274 पैकी	0	03	02		831	0	03	36
	228 पैकी	0	29	00		832	0	04	29
	228 पैकी	0	03	00		834	0	00	60
	229	0	23	50		833	0	03	10
	231	0	37	95		839	0	22	08

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	838	0	03	07		1024	0	02	60
	848	0	23	03		1023	0	48	17
	847	0	15	97		1133	0	26	55
	846	0	09	45		1131	0	31	57
	845	0	02	34		1130	0	28	30
	851	0	06	18		1129	0	14	45
	850	0	00	05		1313	0	21	06
	921	0	06	00		1312	0	17	08
	920	0	05	44		1310	0	35	00
	925	0	08	79		1318	0	15	46
	927	0	08	77		1342	0	10	29
	928	0	04	80		1341	0	02	10
	929	0	05	79		1344	0	09	94
	932	0	03	28		1346	0	06	60
	930	0	12	42		1345	0	19	02
	931	0	10	34		1340	0	00	16
	1011	0	04	37		1337	0	63	89
	1012	0	07	35		1336	0	17	39
	1009	0	02	31		1338	0	02	25
	1010	0	05	64	आगरवा	560	0	21	02
	1008	0	03	15		561	0	46	34
	1007	0	01	20		562	0	27	31
	1014	0	16	80		565 पैकी	0	37	98
	1017	0	02	58		565 पैकी	0	30	04
	1016	0	09	46		575	0	15	80
	1018	0	23	40		576	0	16	80
	1015	0	00	35		577	0	14	40
	1019	0	00	15		578 पैकी	0	02	70
	1026	0	01	07		631	0	01	05
	1021	0	40	09		632	0	79	23
	1022	0	29	20		637	0	28	02

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	642	0	27	03		862	0	29	48
	641 पैकी	0	04	62		863	0	49	75
	640	0	53	16		868	0	21	12
	658	0	06	01		869 पैकी	0	00	16
	787	0	07	30		869 पैकी	0	16	00
	785 पैकी	0	27	00	सांदे लीया	65 पैकी	0	28	77
	785 पैकी	0	11	45		65 पैकी	0	21	06
	783	0	28	54		66	0	00	30
	635 पैकी	0	00	23		68	0	26	25
	751	0	01	10		69 पैकी	0	28	08
	752	0	00	35		67	0	19	07
	755	0	00	18	कोदरीया	137 पैकी	0	04	86
	758	0	11	45		137 पैकी	0	14	44
	782 पैकी	0	22	25		137 पैकी	0	16	20
	760	0	32	73		137 पैकी	0	77	13
	731	0	12	22		137 पैकी	0	11	92
	761	0	31	08		137 पैकी	0	11	50
	730	0	20	72		137 पैकी	0	24	06
	725 पैकी	0	04	00		139	0	07	79
	725 पैकी	0	31	89		140	0	64	00
	727	0	03	36		152	0	06	15
	726 पैकी	0	00	45		156	0	57	57
	726 पैकी	0	00	25		175	0	26	40
	717	0	09	31		174	0	34	00
	711	0	09	82		9	0	10	36
	716	0	44	19		10	0	23	79
	715 पैकी	0	35	24	उपलेट	11	0	23	05
	715 पैकी	0	31	62		89 पैकी	0	06	33
	703	0	34	80		95	0	35	25
	701 पैकी	0	05	52		96	0	22	37
	861	0	14	31		97	0	26	01
						98	0	00	83

New Delhi, the 22nd October, 1998

S.O. 2126.-- Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S. O. 1611 dated the 10th day of August, 1998, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum.

And whereas, the copies of the said gazette notification were made available to the public on the 15th day of August, 1998.

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government.

And whereas, the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification are hereby acquired:

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Bharat Oman Refineries Limited.

Schedule				
Taluka	Thasara District	Kheda	State: Gujarat	
Name of Village	Survey/Block Number	Area		
		Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)
Simlaj	16 Paiki	0	01	00
	16 Paiki	0	15	56
	17	0	46	70
	18	0	10	92
	19	0	00	56
	59 Paiki	0	21	50
	59 Paiki	0	21	55
	60	0	17	75
	63	0	17	94
	64 Paiki	0	20	43
	64 Paiki	0	14	00
	65	0	09	13
	89/Paiki	0	31	92
	90	0	02	00
	91	0	09	57
	94	0	00	88
	153	0	20	70
	154	0	23	75
	156 Paiki	0	03	00
	156 Paiki	0	38	23
Jakhed	158	0	01	22
	159	0	17	10
	169	0	02	55
	482	0	32	33
	874	0	02	40
	875	0	26	20
	763	0	27	33
	764	0	18	76
	765	0	18	52

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	766	0	10	28		187	0	10	37
	767	0	16	37		185	0	02	78
	768 Paiki	0	03	00		183	0	20	51
	768 Paiki	0	02	66		184	0	00	25
	770	0	06	00		176	0	05	40
	769	0	31	50		177	0	20	91
	772	0	03	63		175	0	16	89
	775	0	06	13		136	0	13	91
	774	0	07	52		137	0	07	50
	773	0	05	26		138	0	12	00
	721	0	27	00		110	0	04	86
	722	0	01	14		109	0	14	33
	587	0	17	50		102	0	18	03
	588 Paiki	0	23	71		105 Paiki	0	04	92
	582 Paiki	0	37	02		105 Paiki	0	12	00
	581	0	20	25		103	0	02	85
	541	0	12	78		104	0	11	25
	540 Paiki	0	02	06		95	0	51	56
	540 Paiki	0	21	00		84	0	00	05
	536	0	14	40	Kalsar	817	0	23	55
	538	0	00	10		816	0	24	70
	537	0	14	03		818	0	00	42
	278	0	23	03		826	0	20	10
	277	0	02	40		830	0	04	20
	275	0	09	76		825	0	07	32
	274 Paiki	0	03	02		831	0	03	38
	228 Paiki	0	29	00		832	0	04	29
	228 Paiki	0	03	00		834	0	00	60
	229	0	23	50		833	0	03	10
	231	0	37	95		839	0	22	08
	186	0	11	81		838	0	03	07

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	848	0	23	03		1023	0	48	17
	847	0	15	97		1133	0	26	55
	846	0	09	45		1131	0	31	57
	845	0	02	34		1130	0	28	30
	851	0	06	18		1129	0	14	45
	850	0	00	05		1313	0	21	06
	921	0	06	00		1312	0	17	08
	920	0	05	44		1310	0	35	00
	925	0	08	79		1318	0	15	46
	927	0	08	77		1342	0	10	29
	928	0	04	80		1341	0	02	10
	929	0	05	79		1344	0	09	94
	932	0	03	28		1346	0	06	60
	930	0	12	42		1345	0	19	02
	931	0	10	34		1340	0	00	16
	1011	0	04	37		1337	0	63	89
	1012	0	07	35		1336	0	17	39
	1009	0	02	31		1338	0	02	25
	1010	0	05	64	Agarwa	560	0	21	02
	1008	0	03	15		561	0	46	34
	1007	0	01	20		562	0	27	31
	1014	0	16	80		565 Paiki	0	37	98
	1017	0	02	58		565 Paiki	0	30	04
	1016	0	09	46		575	0	15	80
	1018	0	23	40		576	0	16	80
	1015	0	00	35		577	0	14	40
	1019	0	00	15		578 Paiki	0	02	70
	1026	0	01	07		631	0	01	05
	1021	0	40	09		632	0	79	23
	1022	0	29	20		637	0	28	02
	1024	0	02	60		642	0	27	03

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	641 Paiki	0	04	62		863	0	49	75
	640	0	53	16		868	0	21	12
	658	0	06	01		869 Paiki	0	00	16
	787	0	07	80		869 Paiki	0	16	00
	785 Paiki	0	27	00	Sandheliya	65 Paiki	0	28	77
	785 Paiki	0	11	45		65 Paiki	0	21	06
	783	0	28	54		66	0	00	30
	635 Paiki	0	00	23		68	0	26	25
	751	0	01	10		69 Paiki	0	28	08
	752	0	00	35		67	0	19	07
	755	0	00	18	Kotariva	137 Paiki	0	04	86
	758	0	11	45		137 Paiki	0	14	44
	782 Paiki	0	22	25		137 Paiki	0	16	20
	760	0	32	73		137 Paiki	0	77	13
	731	0	12	22		137 Paiki	0	11	92
	761	0	31	08		137 Paiki	0	11	50
	730	0	20	72		137 Paiki	0	24	08
	725 Paiki	0	04	00		139	0	07	79
	725 Paiki	0	31	69		140	0	64	00
	727	0	03	36		152	0	00	15
	726 Paiki	0	00	45		156	0	57	57
	726 Paiki	0	20	85		175	0	26	40
	717	0	09	31		174	0	34	68
	711	0	09	83		9	0	10	36
	716	0	44	19		10	0	23	79
	715 Paiki	0	35	24		11	0	28	05
	715 Paiki	0	31	62	Uplet	89 Paiki	0	06	33
	703	0	34	80		95	0	35	25
	701 Paiki	0	05	52		96	0	22	37
	861	0	14	31		97	0	26	01
	862	0	29	48		98	0	00	83

[File No. R-31015/38/97-OR II]

J.K. Mayall, Under Secy

नई दिल्ली, 22 अक्टूबर, 1998

का. आ. 2127.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या कां. आ. 1612, तारीख 10 अगस्त, 1998 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 15 अगस्त, 1998 को उपलब्ध करा दी गई थी;

उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित किए जाने चाहिए ;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए, सभी विलुप्तगमों से रहित, भारत ओमान रिफाईनरीज़ लिमिटेड में निहित होगा।

अनुसूची				
तालुका: नडीयाद		जिला: खेडा	राज्य: गुजरात	
गांव का नाम	सर्वेक्षण सं./ खंड सं.	क्षेत्र हेक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)
वसो	1034	0	10	35
	991/1	0	24	53
	991/2	0	13	42
	992	0	00	61
	993	0	37	94
	994	0	02	60
	1006	0	12	33
	1005	0	19	07
	1004	0	20	53
	1003	0	18	99
	999	0	24	09
	1002	0	16	06
	1000	0	07	23
	848	0	22	57
	849	0	21	21
	860	0	16	16
	858+859+861/2 +865/पैकी	0	18	63
	858+859+861/2 +865/पैकी	0	06	06
	858+859+861/2 +865/पैकी	0	03	37
	863/2	0	04	91
	864/1	0	21	53
	828	0	17	36
	827	0	15	65
	826	0	18	66
	467/1	0	09	36
	467/2	0	02	40
	468	0	09	00
	469/2	0	11	61
	479/पैकी	0	02	06
	479/पैकी	0	02	06
	479/पैकी	0	13	11
	478	0	00	11

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	480/पैकी	0	00	50		434	0	14	18
	480/पैकी	0	24	50		435	0	03	46
	483	0	09	47		436 पैकी	0	06	00
	484	0	00	60		436 पैकी	0	03	94
	485	0	20	52		442	0	33	15
	486/1	0	15	64		443	0	15	10
	486/2	0	04	90		444	0	12	76
	541	0	15	50		363	0	01	67
	542	0	10	00		351	0	09	65
	543	0	02	82		352	0	22	94
	540	0	02	25		353	0	21	90
	560	0	09	35		355	0	27	82
	559	0	46	95		308	0	04	58
	568/2	0	11	82		309	0	15	36
	569	0	17	10		302	0	18	42
	573	0	08	52		300	0	13	94
	572/1	0	01	45		313	0	13	50
	572/2	0	09	00		314	0	46	50
	572/3	0	07	00	पीज	1680/पैकी	0	08	05
	572/4	0	07	00		1679/पैकी	0	02	10
	576	0	10	35		1678	0	01	08
	333/1	0	00	50		1677/पैकी	0	00	70
गंगापुर	319	0	28	33		1686	0	19	68
	321	0	00	09		1687	0	18	90
	320	0	26	56		1688	0	12	60
	325	0	47	46		1689/2	0	07	00
	326	0	26	84		1690/2	0	09	80
	328	0	24	88		1691	0	07	56
	329	0	25	20		1692	0	23	67
	330	0	18	32		1694	0	05	66
	331	0	13	66		1671	0	08	45
	332	0	02	69		1670	0	31	18
रामपुर	499	0	30	78		1699	0	02	52
	498	0	17	15		1698	0	14	10
	493	0	48	60		1705	0	23	42
	492	0	09	57		1701	0	24	43
	491	0	04	60		1703	0	05	20
	494	0	02	85		1704	0	08	10

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1665	0	18	98		955	0	09	62
	1710	0	05	67		953	0	16	70
	1713	0	09	10		851	0	46	44
	1664	0	00	90		864	0	04	10
	1715	0	30	78		852	0	16	00
	1662/पैकी	0	22	26		853	0	05	78
	1642	0	33	49		863	0	01	04
	1640	0	27	60		862	0	12	93
	1639	0	10	78		861	0	12	60
	1638	0	08	80		860	0	00	70
	1646	0	04	00		855	0	15	62
	1637	0	22	13		857	0	08	91
	1647	0	11	25		733	0	01	50
	1636	0	04	05		732	0	13	45
	1648	0	31	18		729	0	08	26
	1280	0	30	83		731	0	07	20
	1279	0	59	54		730	0	18	65
	1275	0	19	38		726	0	13	00
	1271	0	15	70		722	0	12	32
	1270	0	00	10		721 पैकी	0	10	80
	1269	0	01	00		721 पैकी	0	09	56
	1189	0	14	25		721 पैकी	0	11	10
	1190	0	11	10		720	0	13	07
	1192	0	04	50		709	0	44	43
	1193	0	04	50		710	0	23	80
	1194	0	03	65		602/1	0	35	75
	1196	0	11	44		603/2	0	18	49
	1147	0	01	40		604	0	01	53
	1143	0	06	85		605	0	08	08
	1145	0	02	98		639	0	41	54
	1144	0	18	72		638	0	11	76
	1142	0	16	24		637	0	30	51
	1141	0	04	16		636	0	14	50
	1089	0	19	47		635	0	27	50
	1088	0	08	51		634	0	06	88
	1087	0	06	72		622	0	23	69
	1091	0	07	50		624	0	30	52
	954	0	19	85	पीपलाता	1275 पैकी	0	24	13

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1275पैकी	0	23	92		1601	0	03	39
	1275पैकी	0	23	64		1600	0	00	94
	1291	0	00	16		1599	0	02	84
	1277	0	27	86		1598	0	06	63
	1231	0	01	20		1595	0	26	51
	1307	0	06	60		1596	0	02	25
	1309	0	16	69		1579	0	19	47
	1310	0	16	15		1575	0	21	26
	1305	0	09	33		1677	0	09	22
	1314	0	03	77		1562	0	09	77
	1315	0	09	83		1561	0	09	75
	1303पैकी	0	24	44	पिपलग	658पैकी	0	05	44
	1343	0	30	49		657	0	05	98
	1344	0	02	54		656पैकी	0	00	25
	1359	0	14	23		656पैकी	0	06	43
	1351	0	11	64		654	0	31	83
	1357	0	09	39		653	0	17	75
	1356	0	00	15		651	0	00	70
	1405	0	03	98		652	0	14	15
	1407	0	34	35		649	0	19	90
	1409	0	01	30		646पैकी	0	24	75
	1408	0	14	38		645	0	00	10
	1406	0	08	78		643	0	13	28
	1452	0	37	09		448	0	16	23
	1451	0	04	56		450	0	01	47
	1453/पैकी	0	04	58		447	0	08	00
	1454	0	13	64		446	0	10	27
	1455	0	13	88		445	0	00	85
	1489	0	20	40		458	0	27	15
	1497	0	31	88		460	0	05	28
	1499	0	41	69		439	0	19	53
	1611	0	06	46		438	0	13	40
	1607	0	07	05		435	0	33	30
	1606	0	06	27		436	0	25	31
	1605	0	06	72		426पैकी	0	03	36
	1603	0	06	34		335	0	00	22
	1604	0	00	06		336	0	22	90
	1602	0	03	34		337	0	02	93

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	343	0	55	75		1191/1/पैकी	0	01	36
	347	0	01	15		1195	0	08	79
	348	0	17	78		1190/3	0	13	70
	359	0	07	55		1189/3	0	10	80
	349	0	04	46		1202	0	12	93
	358	0	08	07		1201	0	13	05
	353	0	09	12		1204/ए	0	08	00
	357ए	0	16	85		1204/बी	0	08	00
	356	0	05	03		1204/सी	0	01	00
	114पैकी	0	42	11		1204/डी	0	01	00
	114पैकी	0	15	85		1204/अेल+अेम+अेन	0	08	08
	115	0	09	58		1293/5	0	19	80
	121	0	00	77		1296/ 1+2+3 पैकी	0	01	00
	120	0	23	40		1296/ 1+2+3 पैकी	0	09	00
	119	0	14	80		1296/ 1+2+3 पैकी	0	13	34
	118	0	00	25		1295/2	0	28	68
	125	0	00	40		1297/1	0	08	70
	98पैकी	0	27	48		1300	0	30	88
	126	0	03	90		1298/6	0	00	60
नडीयाद	809/i	0	12	50		1299/ए	0	11	40
	809/2	0	05	61		1299/बी	0	26	10
	810 ए	0	41	86	उत्तरसंडा	1120	0	19	93
	836/2	0	01	10		1116	0	07	80
	835/बी	0	03	46		1119	0	01	91
	832/1	0	12	00		1117	0	11	44
	832/2	0	10	06		1115	0	19	38
	833/1	0	00	10		1114	0	03	00
	833/2	0	05	70		1093	0	26	54
	831/ए	0	05	26		1094	0	01	01
	831/बी	0	19	97		1096	0	03	84
	829	0	28	56		1097	0	11	20
	828/1 /ए	0	10	91		1091	0	22	44
	828/1/ बी	0	10	90		1088पैकी	0	18	16
	828/2	0	06	50		1089पैकी	0	03	96
	827	0	00	50		1062	0	25	29
	1194	0	02	50		1058	0	17	90
	1193/3	0	09	57		1060	0	00	62
	1192	0	09	85		1059	0	17	17

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1057	0	02	10		135 पैकी	0	26	13
	1055	0	09	87		136	0	26	22
	1056	0	00	60		155	0	25	65
	1054	0	03	28		153	0	08	40
	1016	0	23	45		152	0	13	42
	1017	0	12	14	सलुन	543	0	01	70
	1018	0	04	72	वाटा				
	1014	0	15	44		544	0	17	85
	1008 पैकी	0	07	42		545	0	26	10
	995	0	09	31	सलुन	275	0	12	92
	996	0	11	82	तलपद				
	997	0	08	09		274	0	07	25
	1007	0	02	35		265	0	00	10
	998	0	17	96		261	0	67	22
	976	0	15	49		306 पैकी	0	27	50
	975	0	21	34		324	0	00	19
	974	0	30	54		323	0	18	10
फतेपुर	227	0	57	70		322	0	33	91
	228	0	00	22		320	0	00	49
	226	0	02	28		316	0	32	96
	225	0	03	99		315	0	04	64
	224	0	07	30		349	0	32	46
	223	0	06	75		348	0	22	94
	215	0	21	22		347	0	10	41
	209	0	02	02		435	0	11	05
	214	0	03	24		436	0	08	51
	210	0	12	81		437	0	01	56
	212	0	01	21		441	0	03	04
	211	0	08	31		440	0	04	16
	208	0	00	12		442	0	25	56
	62	0	21	83		443	0	12	10
	63	0	15	88		444	0	00	25
	64	0	35	10		459	0	09	28
	66	0	13	80		457	0	14	45
	67	0	24	03		458	0	07	65
	80	0	21	84		455	0	20	73
	81	0	24	32		456	0	01	10
	77	0	03	70		453	0	23	05
					कन्जोडा	607	0	18	90

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	608पैकी	0	17	10		461	0	11	76
	608पैकी	0	23	43		462	0	27	80
	610	0	06	07		464पैकी	0	04	25
	611	0	00	10		464पैकी	0	04	25
	629	0	34	74		464पैकी	0	08	30
	626	0	23	65		465	0	15	86
	617	0	25	80		466	0	31	07
	616	0	06	79		468	0	20	15
	620	0	15	15		467	0	00	63
	683	0	34	22		541	0	29	38
	684	0	13	05		540पैकी	0	27	31
	692	0	05	54		536	0	14	07
	693	0	31	05		537	0	01	95
	705	0	00	12		534	0	30	09
	706	0	15	18		533	0	06	21
	707पैकी	0	08	47		532	0	08	79
	709	0	14	48		528	0	15	58
	710	0	24	42		526	0	25	35
	714पैकी	0	17	84		525	0	17	70
	713	0	06	46		521	0	18	48
	728	0	51	47		520पैकी	0	18	20
	31	0	06	98		519	0	34	28
	32	0	11	00		607	0	06	72
	33पैकी	0	11	94		608पैकी	0	25	90
	34	0	02	00		509 पैकी	0	00	15
	35	0	01	47		621	0	24	23
	30	0	18	65		622पैकी	0	16	25
	36	0	01	37		501 पैकी	0	17	00
	37	0	00	25		623पैकी	0	00	90
	20	0	37	13		623पैकी	0	03	62
	19	0	07	99		624	0	07	79
	18	0	04	13		625	0	11	68
	17	0	13	20		638	0	37	05
	63	0	07	67		637ए	0	02	24
	64पैकी	0	52	06		650	0	21	38
	62	0	02	90		652	0	10	73
	61	0	10	95		651	0	03	04
सुरासामल	460	0	38	10		653	0	02	40

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	654	0	01	98		209	0	03	19
	655	0	01	50		211	0	08	68
	656	0	02	00		222	0	00	01
	669पैकी	0	14	00		221	0	00	50
	667	0	16	43		220	0	08	93
	666	0	18	60		214 पैकी	0	01	00
	665	0	12	45		214 पैकी	0	04	97
	685	0	06	18		215	0	04	46
	688पैकी	0	22	12		180	0	04	33
	689	0	00	75		181	0	01	25
	705पैकी	0	37	54		179	0	11	20
	754	0	10	97		177	0	05	60
	753पैकी	0	16	40		178	0	12	63
	748	0	08	92		422पैकी	0	22	50
	749	0	02	10		421	0	13	26
	747	0	00	50		420	0	04	16
	736	0	00	88		410	0	02	87
	737	0	17	66		409	0	10	47
	738	0	08	35		408	0	00	02
चलाली	89	0	04	79		808	0	09	00
	86	0	01	85		809	0	06	12
	90	0	05	00		811	0	09	03
	85	0	14	94		812	0	05	60
	83	0	42	20		804	0	06	60
	195	0	01	80		814 पैकी	0	14	09
	196	0	01	65		815	0	50	40
	244	0	10	71		865	0	00	05
	243	0	09	18		861 पैकी	0	31	93
	236	0	11	75		839	0	02	16
	198	0	00	44		840	0	19	35
	235	0	09	44		841	0	16	73
	200	0	03	36		832	0	11	41
	201	0	10	07		833	0	07	93
	229	0	14	91		831	0	18	48
	202 पैकी	0	06	77		834	0	01	57
	230	0	00	15		829	0	08	16
	208	0	04	14	[फा. सं. आर-31015/38/97-ओआर. II]				
	225	0	09	62	ज क मायल, अवर सचिव				

New Delhi, the 22nd October, 1998

S.O. 2127.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S. O. 1612 dated the 10th day of August, 1998, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum:

And whereas, the copies of the said gazette notification were made available to the public on the 15th day of August, 1998

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government,

And whereas, the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification are hereby acquired:

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Bharat Oman Refineries Limited.

Schedule				
Taluka : Nadiad District : Kheda State:Gujarat				
Name of Village	Survey/Block Number	Area		
		Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)
Vaso	1034	0	10	35
	991/1	0	24	53
	991/2	0	13	42
	992	0	00	61
	993	0	37	94
	994	0	02	60
	1006	0	12	33
	1005	0	19	07
	1004	0	20	53
	1003	0	18	99
	999	0	24	09
	1002	0	16	06
	1000	0	07	23
	848	0	22	57
	849	0	21	21
	860	0	16	16
	858+859+861/2+	0	18	63
	865/Paiki			
	858+859+861/2+	0	06	06
	865/Paiki			
	858+859+861/2+	0	03	37
	865/Paiki			
	863/2	0	04	91
	864/1	0	21	53
	828	0	17	36
	827	0	15	65
	826	0	18	66
	467/1	0	09	36
	467/2	0	02	40
	468	0	09	00
	469/2	0	11	61
	479/Paiki	0	02	06
	479/Paiki	0	02	06
	479/Paiki	0	13	11
	478	0	00	11
	480/Paiki	0	00	50
	480/Paiki	0	24	50

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	483	0	09	47		436 Paiki	0	06	00
	484	0	00	60		436 Paiki	0	03	94
	485	0	20	52		442	0	33	15
	486/1	0	15	64		443	0	15	10
	486/2	0	04	90		444	0	12	76
	541	0	15	50		363	0	01	67
	542	0	10	00		351	0	09	65
	543	0	02	82		352	0	22	94
	540	0	02	25		353	0	21	90
	560	0	09	35		355	0	27	82
	559	0	46	95		308	0	04	58
	568/2	0	11	82		309	0	15	36
	569	0	17	10		302	0	18	42
	573	0	08	52		300	0	13	94
	572/1	0	01	45		313	0	13	50
	572/2	0	09	00		314	0	46	50
	572/3	0	07	00	Pij	1680/Paiki	0	08	05
	572/4	0	07	00		1679/Paiki	0	02	10
	576	0	10	35		1678	0	01	08
	333/1	0	00	50		1677/Paiki	0	00	70
Gangapur	319	0	28	33		1686	0	19	68
	321	0	00	09		1687	0	18	90
	320	0	26	56		1688	0	12	60
	325	0	47	46		1689/2	0	07	00
	326	0	26	84		1690/2	0	09	80
	328	0	24	88		1691	0	07	56
	329	0	25	20		1692	0	23	67
	330	0	18	32		1694	0	05	66
	331	0	13	66		1671	0	08	45
	332	0	02	69		1670	0	31	18
Rampur	499	0	30	78		1699	0	02	52
	498	0	17	15		1698	0	14	10
	493	0	48	60		1705	0	23	42
	492	0	09	57		1701	0	24	43
	491	0	04	60		1703	0	05	20
	494	0	02	85		1704	0	08	10
	434	0	14	18		1665	0	18	98
	435	0	03	46		1710	0	05	67

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1713	0	09	10		851	0	46	44
	1664	0	00	90		864	0	04	10
	1715	0	30	78		852	0	16	00
	1662/Paiki	0	22	26		853	0	05	78
	1642	0	33	49		863	0	01	04
	1640	0	27	60		862	0	12	93
	1639	0	10	78		861	0	12	60
	1638	0	08	80		860	0	00	70
	1646	0	04	00		855	0	15	62
	1637	0	22	13		857	0	08	91
	1647	0	11	25		733	0	01	50
	1636	0	04	05		732	0	13	45
	1648	0	31	18		729	0	08	26
	1280	0	30	83		731	0	07	20
	1279	0	59	54		730	0	18	65
	1275	0	19	38		726	0	13	00
	1271	0	15	70		722	0	12	32
	1270	0	00	10		721Paiki	0	10	80
	1269	0	01	00		721Paiki	0	09	56
	1189	0	14	25		721Paiki	0	11	10
	1190	0	11	10		720	0	13	07
	1192	0	04	50		709	0	44	43
	1193	0	04	50		710	0	23	80
	1194	0	03	65		602/1	0	35	75
	1196	0	11	44		603/2	0	18	49
	1147	0	01	40		604	0	01	53
	1143	0	06	85		605	0	08	08
	1145	0	02	98		639	0	41	54
	1144	0	18	72		638	0	11	76
	1142	0	16	24		637	0	30	51
	1141	0	04	16		636	0	14	50
	1089	0	19	47		635	0	27	50
	1088	0	08	51		634	0	06	88
	1087	0	06	72		622	0	23	69
	1091	0	07	50		624	0	30	52
	954	0	19	85	Pipalta	1275Paiki	0	24	13
	955	0	09	62		1275Paiki	0	23	92
	953	0	16	70		1275Paiki	0	23	64

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1291	0	00	16		1599	0	02	84
	1277	0	27	86		1598	0	06	63
	1231	0	01	20		1595	0	26	51
	1307	0	06	60		1596	0	02	25
	1309	0	16	69		1579	0	19	47
	1310	0	16	15		1575	0	21	26
	1305	0	09	33		1677	0	09	22
	1314	0	03	77		1562	0	09	77
	1315	0	09	83		1561	0	09	75
	1303Paiki	0	24	44	Piplag	658Paiki	0	05	44
	1343	0	30	49		657	0	05	98
	1344	0	02	54		656Paiki	0	00	25
	1359	0	14	23		656Paiki	0	06	43
	1351	0	11	64		654	0	31	83
	1357	0	09	39		653	0	17	75
	1356	0	00	15		651	0	00	70
	1405	0	03	98		652	0	14	15
	1407	0	34	35		649	0	19	90
	1409	0	01	30		646Paiki	0	24	75
	1408	0	14	32		645	0	00	10
	1406	0	08	78		643	0	13	28
	1434	0	37	09		448	0	16	23
	1451	0	04	56		450	0	01	47
	1453/Paiki	0	04	58		447	0	08	00
	1454	0	13	64		446	0	10	27
	1455	0	13	88		445	0	00	85
	1489	0	20	40		458	0	37	15
	1497	0	31	88		460	0	05	28
	1499	0	41	69		439	0	19	53
	1611	0	06	46		458	0	13	40
	1607	0	07	05		435	0	33	30
	1606	0	06	27		436	0	25	31
	1605	0	06	72		426Paiki	0	03	36
	1603	0	06	34		335	0	00	22
	1604	0	00	06		336	0	22	90
	1602	0	03	34		337	0	02	93
	1601	0	03	39		343	0	55	75
	1600	0	00	94		347	0	01	15

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	348	0	17	78		1190/3	0	13	70
	359	0	07	55		1189/3	0	10	80
	349	0	04	46		1202	0	12	93
	358	0	08	07		1201	0	13	05
	353	0	09	12		1204/A	0	08	00
	357 A	0	16	85		1204/B	0	08	00
	356	0	05	03		1204/C	0	01	00
	114Paiki	0	42	11		1204/D	0	01	00
	114Paiki	0	15	85		1204/L+M+N	0	08	08
	115	0	09	58		1293/5	0	19	80
	121	0	00	77		1296/1+2+3 Paiki	0	01	00
	120	0	23	40		1296/1+2+3 Paiki	0	09	00
	119	0	14	80		1296/1+2+3 Paiki	0	13	34
	118	0	00	25		1295/2	0	28	68
	125	0	00	40		1297/1	0	08	70
	98Paiki	0	27	48		1300	0	30	88
	126	0	03	90		1298/6	0	00	60
Nadiad	809/1	0	12	50		1299/A	0	11	40
	809/2	0	05	61		1299/B	0	26	10
	810 A	0	41	86	Uttarsanda	1120	0	19	93
	836/2	0	01	10		1116	0	07	80
	835/B	0	03	46		1119	0	01	91
	832/1	0	12	00		1117	0	11	44
	832/2	0	10	06		1115	0	19	38
	833/1	0	00	10		1114	0	03	00
	833/2	0	05	70		1093	0	26	54
	831/A	0	05	26		1094	0	01	01
	831/B	0	19	97		1096	0	03	84
	829	0	28	56		1097	0	11	20
	828/1 /A	0	10	91		1091	0	22	44
	828/1/ B	0	10	90		1088Paiki	0	18	16
	828/2	0	06	50		1089Paiki	0	03	96
	827	0	00	50		1062	0	25	29
	1194	0	02	50		1058	0	17	90
	1193/3	0	09	57		1060	0	00	62
	1192	0	09	85		1059	0	17	17
	1191/1/Paiki	0	01	36		1057	0	02	10
	1195	0	08	79		1055	0	09	87

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1056	0	00	60		155	0	25	65
	1054	0	03	28		153	0	08	40
	1016	0	23	45		152	0	13	42
	1017	0	12	14	Salun	543	0	01	70
	1018	0	04	72	Vata	544	0	17	85
	1014	0	15	44		545	0	26	10
	1008Paiki	0	07	42	Salun	275	0	12	92
	995	0	09	31	Talpad	274	0	07	25
	996	0	11	82		265	0	00	10
	997	0	08	09		261	0	67	22
	1007	0	02	35		306 Paiki	0	27	50
	998	0	17	96		324	0	00	19
	976	0	15	49		323	0	18	10
	975	0	21	34		322	0	33	91
	974	0	30	54		320	0	00	49
Fatepur	227	0	57	70		316	0	32	96
	228	0	00	22		315	0	04	64
	226	0	02	28		349	0	32	46
	225	0	03	99		348	0	22	94
	224	0	07	30		347	0	10	41
	223	0	06	75		435	0	11	05
	215	0	21	22		436	0	08	51
	209	0	02	02		437	0	01	56
	214	0	03	24		441	0	03	04
	210	0	12	81		440	0	04	16
	212	0	01	21		442	0	25	56
	211	0	08	31		443	0	12	10
	208	0	00	12		444	0	00	25
	62	0	21	83		459	0	09	28
	63	0	15	88		457	0	14	45
	64	0	35	10		458	0	07	65
	66	0	13	80		455	0	20	72
	67	0	24	03		456	0	01	10
	80	0	21	84		453	0	23	05
	81	0	24	32		607	0	18	90
	77	0	03	70	Kanjoda	608Paiki	0	17	10
	135Paiki	0	26	13		608Paiki	0	23	43
	136	0	26	22					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	610	0	06	07		464Paiki	0	04	25
	611	0	00	10		464Paiki	0	04	25
	629	0	34	74		464Paiki	0	08	30
	626	0	23	65		465	0	15	86
	617	0	25	80		466	0	31	07
	616	0	06	79		468	0	20	15
	620	0	15	15		467	0	00	63
	683	0	34	22		541	0	29	38
	684	0	13	05		540Paiki	0	27	31
	692	0	05	54		536	0	14	07
	693	0	31	05		537	0	01	95
	705	0	00	12		534	0	30	09
	706	0	15	18		533	0	06	21
	707Paiki	0	08	47		532	0	08	79
	709	0	14	48		528	0	15	58
	710	0	24	42		526	0	25	35
	714Paiki	0	17	84		525	0	17	70
	713	0	06	46		521	0	18	48
	728	0	51	47		520Paiki	0	18	20
	31	0	06	98		519	0	34	28
	32	0	11	00		607	0	06	72
	33Paiki	0	11	94		608Paiki	0	25	90
	34	0	02	00		509 Paiki	0	00	15
	35	0	01	47		621	0	24	23
	30	0	18	65		622Paiki	0	16	25
	36	0	01	37		501 Paiki	0	17	00
	37	0	00	25		623Paiki	0	00	90
	20	0	37	13		623Paiki	0	03	62
	19	0	07	99		624	0	07	79
	18	0	04	13		625	0	11	68
	17	0	13	20		638	0	37	03
	63	0	07	67		637A	0	02	24
	64Paiki	0	52	06		650	0	21	38
	62	0	02	90		652	0	10	73
	61	0	10	95		651	0	03	04
Surasamal	460	0	38	10		653	0	02	40
	461	0	11	76		654	0	01	98
	462	0	27	80		655	0	01	50

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	656	0	02	00		222	0	00	01
	669 Paiki	0	14	00		221	0	00	50
	667	0	16	43		220	0	08	93
	666	0	18	60		214 Paiki	0	01	00
	665	0	12	45		214 Paiki	0	04	97
	685	0	06	18		215	0	04	46
	688 Paiki	0	22	12		180	0	04	33
	689	0	00	75		181	0	01	25
	705 Paiki	0	37	54		179	0	11	20
	754	0	10	97		177	0	05	60
	753 Paiki	0	16	40		178	0	12	63
	748	0	08	92		422 Paiki	0	22	50
	749	0	02	10		421	0	13	26
	747	0	00	50		420	0	04	16
	736	0	00	88		410	0	02	87
	737	0	17	66		409	0	10	47
	738	0	08	35		408	0	00	02
Chalali	89	0	04	79		808	0	09	00
	86	0	01	85		809	0	06	12
	90	0	05	00		811	0	09	03
	85	0	14	94		812	0	05	60
	83	0	42	20		804	0	06	60
	195	0	01	80		814 Paiki	0	14	09
	196	0	01	65		815	0	50	40
	244	0	10	71		865	0	00	05
	243	0	09	18		861 Paiki	0	31	93
	236	0	11	75		839	0	02	16
	198	0	00	44		840	0	19	35
	235	0	09	44		841	0	16	73
	200	0	03	36		832	0	11	41
	201	0	10	07		833	0	07	93
	229	0	14	91		831	0	18	48
	202 Paiki	0	00	77		834	0	01	57
	230	0	00	15		829	0	08	16
	208	0	04	14					
	225	0	09	62					
	209	0	03	19					
	211	0	08	68					

[File No. R-31015/38 '97-OR II]

J.K. Mayall, Under Secy.

नई दिल्ली, 23 अक्टूबर, 1998

का. आ. 2128.— ----- जबकि केन्द्रीय सरकार को ऐसा प्रतीत होता है कि जनता के हित में यह आवश्यक है कि मध्य प्रदेश में चिकली ग्राम में स्थित खेड़ा कम्प्रेसर स्टेशन तक बजना से जल के परिवहन हेतु गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए।

और जबकि यह प्रतीत होता है कि इस पाइपलाइन के बिछाने के उद्देश्य से यह जरूरी है कि इस अधिसूचना में दी गई अनुसूची में उल्लिखित भूमि में प्रयोग के अधिकार का अर्जन किया जाए।

अतः, इसलिए, पेट्रोलियम एवं खनिज पाइपलाइन (भूमि में प्रयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के खंड-3 के उप खंड (1) के अनुसार प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भूमि में प्रयोग के अधिकार के अर्जन की घोषणा करती है।

उक्त अनुसूची में उल्लिखित भूमि के संबंध में भूमि में प्रयोग के अधिकार का अर्जन अथवा भूमि के नीचे पाइपलाइन बिछाने के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो तो वह सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, भारतीय विद्यालय के समीप, सर्कुलर रोड, शिवपुरी, मध्य प्रदेश को लिखित रूप में, इस अधिसूचना की प्रतियों के आम जनता के लिए उपलब्ध होने, जैसा कि भारत के राजपत्र में प्रकाशित है, के 21 दिनों के अन्दर दे सकते हैं।

अनुसूची

जिला	तहसील	ग्राम	सर्वेक्षण संख्या	अर्जन हेतु क्षेत्र (हेक्टेयर में)
1	2	3	4	5
शाहजापुर	आगर	बजना	857	0.19
			823	0.02
			824	0.09
			817	0.16
			783	0.01
			778	0.02
			779	0.08
			780	0.05
			781	0.08
			772	0.06
			774	0.15
			758	0.01
				0.03

जिला	तहसील	ग्राम	सर्वेक्षण संख्या	अर्जन हेतु क्षेत्र (हेक्टेयर में)
1	2	3	4	5
शाहजापुर	आगर	बजना	754	0.03
			753	0.07
			751	0.02
			870	0.01
			750	0.12
			748	0.10
			872	0.04
			883	0.03
			747	0.01
			886	0.05
			890	0.02
			897	0.07
			914	0.05
			915	0.01
			913	0.08
			923	0.04
			526	0.01
			549	0.05
			546	0.11
			547	0.05
			542	0.07
			552	0.07
			540	0.02
			539	0.02
			303	0.03
			583	0.19
			315	0.10
			316	0.08
			306	0.04
			307	0.01
			305	0.16
			304	0.02
			298	0.06
			300	0.07

जिला	तहसील	ग्राम	सर्वेक्षण संख्या	अर्जन हेतु क्षेत्र (हेक्टेयर में)
1	2	3	4	5
शाहजापुर	आगर	बजना	302	0.12
			384	0.09
			383	0.08
			382	0.02
			381	0.08
			380	0.01
			379	0.05
			378	0.15
			377	0.02
			376	0.01
			372	0.13
			371	0.06
			370	0.14
			369	0.01
			360	0.11
			361	0.14
			344	0.06
			341	0.09
			342	0.01
			338	0.06
			362	0.47
			497	0.09
			474	0.22
			475	0.11
			476	0.08
			477	0.17
			295	0.02
कुल			5.46	

[नं. एल-14014/4/98-जी पी]

आई एस एन प्रसाद, उप सचिव

New Delhi, the 22nd October, 1998

S.O. 2128.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of water from Bajna to Khera compressor station located in Chikli village in Madhya Pradesh State, pipeline should be laid by the Gas Authority of India Ltd;

AND WHEREAS it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of the section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to the competent authority, Gas Authority of India Limited, near Bhartiya Vidyalaya, Circular Road, Shivpuri, Madhya Pradesh.

SCHEDULE

DISTT.	TEHSIL	VILLAGE	SURVEY NO.	AREA TO BE ACQUIRED FOR ROU IN HECTARE
1	2	3	4	5
Shajapur	Agar	Bajna	857	0.19
			823	0.02
			824	0.09
			817	0.16
			783	0.01
			778	0.02
			779	0.08
			780	0.05
			781	0.08
			772	0.06
			774	0.15

DISTT.	TEHSIL	VILLAGE	SURVEY NO.	AREA TO BE ACQUIRED FOR ROU IN HECTARE
1	2	3	4	5
Shajapur	Agar	Bajna	758	0.01
			755	0.03
			754	0.03
			753	0.07
			751	0.02
			870	0.01
			750	0.12
			748	0.10
			872	0.04
			883	0.03
			747	0.01
			886	0.05
			890	0.02
			897	0.07
			914	0.05
			915	0.01
			913	0.08
			923	0.04
			526	0.01
			549	0.05
			546	0.11
			547	0.05
			542	0.07
			552	0.07
			540	0.02
			539	0.02
			303	0.03
			583	0.19
			315	0.1
			316	0.08
			306	0.04
			307	0.01
			305	0.16
			304	0.02
			298	0.06

Page :3:

DISTT.	TEHSIL	VILLAGE	SURVEY NO.	AREA TO BE ACQUIRED FOR ROU IN HECTARE
1	2	3	4	5
Shajapur	Agar	Bajna	300	0.07
			302	0.12
			384	0.09
			383	0.08
			382	0.02
			381	0.08
			380	0.01
			379	0.05
			378	0.15
			377	0.02
			376	0.01
			372	0.13
			371	0.06
			370	0.14
			369	0.01
			360	0.11
			361	0.14
			344	0.06
			341	0.09
			342	0.01
			338	0.06
			362	0.47
			497	0.09
			474	0.22
			475	0.11
			476	0.08
			477	0.17
			295	0.02
			TOTAL	5.46

[No. L-14014/4/98-G.P.]

I. S. N. PRASAD, Dy. Secy.

नई दिल्ली, 23 अक्टूबर, 1998

का. आ. 2129.----- जबकि केन्द्रीय सरकार को ऐसा प्रतीत होता है कि जनता के हित में यह आवश्यक है कि मध्य प्रदेश में चिकली ग्राम में स्थित खेड़ा कम्प्रेसर स्टेशन तक बजना से जल के परिवहन हेतु गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए।

और जबकि यह प्रतीत होता है कि इस पाइपलाइन के बिछाने के उद्देश्य से यह जरूरी है कि इस अधिसूचना में दी गई अनुसूची में उल्लिखित भूमि में प्रयोग के अधिकार का अर्जन किया जाए।

अतः, इसलिए, पेट्रोलियम एवं खनिज पाइपलाइन (भूमि में प्रयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के खंड-3 के उप खंड (1) के अनुसार प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भूमि में प्रयोग के अधिकार के अर्जन की घोषणा करती है।

उक्त अनुसूची में उल्लिखित भूमि के संबंध में भूमि में प्रयोग के अधिकार का अर्जन अथवा भूमि के नीचे पाइपलाइन बिछाने के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो तो वह सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, भारतीय विद्यालय के समीप, सर्कुलर रोड, शिवपुरी, मध्य प्रदेश को लिखित रूप में, इस अधिसूचना की प्रतियों के आम जनता के लिए उपलब्ध होने, जैसा कि भारत के राजपत्र में प्रकाशित है, के 21 दिनों के अन्दर दे सकते हैं।

अनुसूची

जिला	तहसील	ग्राम	सर्वेक्षण संख्या	अर्जन हेतु क्षेत्र (हेक्टेयर में)
1	2	3	4	5
उज्जैन	तराना	दान्याखेडी	87	0.04
			88	0.19
			96	0.39
			104	0.01
			105	0.02
			256	0.07
			255	0.01

जिला	तहसील	ग्राम	सर्वेक्षण संख्या	अर्जन हेतु क्षेत्र (हेक्टेयर में)	
1	2	3	4	5	
उज्जैन	तराना	दान्याखेड़ी	251	0.04	
			248	0.07	
			249	0.23	
			250	0.01	
				कुल	1.08
		चिकली	404	0.03	
			403	0.01	
			396	0.08	
			398	0.09	
			397	0.01	
			340	0.10	
			341	0.02	
			342	0.07	
			335	0.01	
			333	0.04	
			332	0.09	
			331	0.08	
			232	0.05	
			234	0.11	
			219/1	0.05	
			220	0.10	
			207	0.02	
			196	0.10	
			198	0.03	
199	0.03				
189	0.15				
188	0.02				
187	0.04				
186	0.10				

जिला	तहसील	ग्राम	सर्वेक्षण संख्या	अर्जन हेतु क्षेत्र (हेक्टेयर में)
1	2	3	4	5
		चिकली	185	0.03
			184	0.03
			545/2P	0.03
			182	0.03
			546	0.13
		कुल		1.68
		सुमारा	260	0.05
		खेड़ी	261	0.06
			262	0.06
			263	0.05
			264	0.01
			268	0.22
			271	0.08
			272	0.06
			275	0.13
			284	0.08
			282	0.05
			309	0.01
			310	0.16
			307	0.01
			306	0.01
			305	0.05
			304	0.01
			302	0.05
			318	0.06
			319	0.06
			320	0.10

जिला	तहसील	ग्राम	सर्वेक्षण संख्या	अर्जन हेतु क्षेत्र (हेक्टेयर में)
1	2	3	4	5
		सुमारा	325	0.13
		खेड़ी	324	0.03
		कुल		1.53
		कथाडी	7	0.01
			8	0.04
			6	0.08
			5	0.04
			39	0.03
			40	0.10
			78	0.01
			48	0.10
			49	0.09
			50	0.03
			51	0.09
			59	0.01
			58	0.05
			55	0.02
			57	0.01
			56	0.07
			101	0.02
		कुल		0.80
		भोदल्या	19	0.03
			16	0.11
			10	0.11
			11	0.02
			3	0.07
			4	0.04

जिला	तहसील	ग्राम	सर्वेक्षण संख्या	अर्जन हेतु क्षेत्र (हेक्टेयर में)
1	2	3	4	5
		भोदल्या	5	0.10
			214	0.03
			276	0.06
			274	0.09
			273/3	0.12
			288	0.06
			327	0.10
			326	0.13
			325	0.02
			324	0.06
			323	0.02
			354	0.05
			355	0.01
			353/2	0.12
			363	0.09
			364	0.04
			365	0.17
			368	0.06
		कुल		1.71
		गोडाडी	88	0.20
			90	0.08
			91	0.16
			97	0.14
			98	0.25
			99	0.09
			319	0.03
			126	0.02
			216	0.04

जिला	तहसील	ग्राम	सर्वेक्षण संख्या	अर्जन हेतु क्षेत्र (हेक्टेयर में)
1	2	3	4	5
		गोडाडी	215	0.09
			214	0.03
			213	0.06
			212	0.06
			222	0.01
			157	0.07
			158	0.06
			164	0.05
			197	0.07
			196	0.08
			195	0.09
			193	0.06
			194	0.07
			184	0.14
			185	0.02
		कुल		1.97
		कुल योग		8.77

[नं. एल-14014/4/98-जी पी]

आई एस एन प्रसाद, उप सचिव

New Delhi, the 23rd October, 1998

S.O. 2129.—.....Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of water from Bajna to Khera compressor station located in Chikli village in Madhya Pradesh State, pipeline should be laid by the Gas Authority of India Ltd;

AND WHEREAS it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

NOW, THEREFORE, in exercise of the powers conferred by subsection (1) of the section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to the competent authority, Gas Authority of India Limited, near Bhartiya Vidyalaya, Circular Road, Shivpuri, Madhya Pradesh.

SCHEDULE

DISTT.	TEHSIL	VILLAGE	SURVEY NO.	AREA TO BE ACQUIRED FOR ROU IN HECTARE
1	2	3	4	5
UJJAIN	TARANA	DHANYA- KHEDI	87	0.04
			88	0.19
			96	0.39
			104	0.01
			105	0.02
			256	0.07
			255	0.01
			251	0.04
			248	0.07
			249	0.23
			250	0.01
TOTAL			1.08	

Page :2:

DISTT.	TEHSIL	VILLAGE	SURVEY NO.	AREA TO BE ACQUIRED FOR ROU IN HECTARE
1	2	3	4	5
UJJAIN	TARANA	CHIKLI	404	0.03
			403	0.01
			396	0.08
			398	0.09
			397	0.01
			340	0.10
			341	0.02
			342	0.07
			335	0.01
			333	0.04
			332	0.09
			331	0.08
			232	0.05
			234	0.11
			219/1	0.05
			220	0.10
			207	0.02
			196	0.10
			198	0.03
			199	0.03
			189	0.15
			188	0.02
			187	0.04
			186	0.10
			185	0.03
			184	0.03
			545/2P	0.03
			182	0.03
			546	0.13
			TOTAL	1.68
		SUMARA- KHERI	260	0.05
			261	0.06
			262	0.06
			263	0.05
			264	0.01
			268	0.22
			271	0.08
			272	0.06
			275	0.13
			284	0.08
			282	0.05
			309	0.01

Page :3:

DISTT.	TEHSIL	VILLAGE	SURVEY NO.	AREA TO BE ACQUIRED FOR ROU IN HECTARE
1	2	3	4	5
		SUMARA- KHERI	310 307 306 305 304 302 318 319 320 325 324	0.16 0.01 0.01 0.05 0.01 0.05 0.06 0.06 0.10 0.13 0.03
			TOTAL	1.53
		KATHADI	7 8 6 5 39 40 78 48 49 50 51 54 58 55 57 56 101	0.01 0.04 0.08 0.04 0.03 0.10 0.01 0.10 0.09 0.03 0.09 0.01 0.05 0.02 0.01 0.07 0.02
			TOTAL	0.80
		BHODLYA	19 16 10 11 3 4	0.03 0.11 0.11 0.02 0.07 0.04

Page : 4 :

DISTT.	TEHSIL	VILLAGE	SURVEY NO.	AREA TO BE ACQUIRED FOR ROU IN HECTARE
1	2	3	4	5
		BHODLYA	5	0.10
			214	0.03
			276	0.06
			274	0.09
			273/3	0.12
			288	0.06
			327	0.10
			326	0.13
			325	0.02
			324	0.06
			323	0.02
			354	0.05
			355	0.01
			353/2	0.12
			363	0.09
			364	0.04
			365	0.17
			368	0.06
			TOTAL	1.71
		GODADI	88	0.20
			90	0.08
			91	0.16
			97	0.14
			98	0.25
			99	0.09
			319	0.03
			126	0.02
			216	0.04
			215	0.09
			214	0.03
			213	0.06
			212	0.06
			222	0.01
			157	0.07
			158	0.06
			164	0.05
			197	0.07
			196	0.08
			195	0.09
			193	0.06
		GODADI	194	0.07
			184	0.14
			185	0.02
			TOTAL	1.97
			GRAND TOTAL	8.77

[No. L-14014/4/98-G.P.]

I. S. N. PRASAD, Dy. Secy.

नई दिल्ली, 27 अक्टूबर, 1998

का. आ. 2130.—[केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडिनार से कांडला तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनेट वी.के. लिमिटेड की ओर से वाडिनार-कांडला पाइपलाइन परियोजना के कार्यान्वयन हेतु इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ।

और ऐसा प्रतीत होता है कि ऐसी पाइपलाइने बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाखण्ड अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है ।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 § 1962 का 50§ की धारा 3 की उपधारा § 1§ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन करने या भूमि में पाइपलाइन बिछाने के संबंध में श्री जे.के. गढ़वी, सहाय प्रधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, वाडिनार-कांडला पाइपलाइन परियोजना, "शिव कृपा", पंकज सोसायटी § डेन्टल हॉस्पिटल के पास § जामनगर-361 008 § गुजरात§ को लिखित रूप में आक्षेप कर सकेगा ।

अनुसूची

तहसील : लालपुर

जिल्ला : जामनगर

राज्य : गुजरात

गाँव का नाम	सर्वे संख्या	क्षेत्रफल		
		हेक्टर	अरे	सेन्टीअरे
1	2	3	4	5
	1	00	10	51
ढाढार	189	00	17	41
	190	00	07	30
	37	00	20	63
	36	00	24	24
	35	00	18	70
	33	00	08	90

1	2	3	4	5
	34	00	40	09
	27	00	24	74
	26	00	05	73
	174	00	29	37
	158	00	11	44
	154	00	23	20
	153	00	32	09
	150	00	01	08
	146	00	19	79
	144	00	00	62
	145	00	27	31
	139	00	00	86
	140	00	19	65
જોગવઢ	210	00	02	40
	45	00	21	06
	44	00	24	22
	208	00	24	43
	195	00	32	31
	197	00	18	72
	196	00	09	99
	185	00	05	40
	187	00	08	61
	182	00	06	78
	186	00	18	13
	179	00	03	95
	180	00	09	59
	50	00	25	71
	62	00	17	58
	52	00	35	69
	53/1	00	22	87
	161	00	42	99
	160	00	01	90
	162	00	07	67
	158	00	10	49
	156	00	31	01
	189	00	02	70
તહસીલ : જામનગર મગવા	48	00	13	94
	57	00	66	25
	58	00	24	68
	56/3	00	14	58
	63	00	48	69
	64	00	25	05
	69	00	24	31
	83/1	00	26	87
	84	00	07	57

1	2	3	4	5
	86	00	25	74
	112	00	41	11
	111	00	49	72
	110	00	15	45
	113	00	15	76
मुंगनी	171	00	45	00
	170	00	29	00
	169	00	03	55
	174	00	20	17
	176	00	02	57
	2	00	30	56
	175	00	21	03
	207	00	15	10
	213	00	15	69
	214	00	61	24
	17	00	11	90
	232	00	08	70
	234	00	19	04
	235	00	32	43
	237	00	02	48
	239	00	44	26
	240	00	54	49
	231	00	01	43
तिरुणा	100	00	53	70
	99	00	47	36
	105	00	02	46
	109	00	17	10
	110	00	18	00
	111	00	36	69
	157	00	04	05
	107	00	51	92

[फाईल सं.-131015/7/98-ओ आर.-1]

के. सी. कटोच, अवर सचिव

New Delhi, the 27th October, 1998

S.O. 2130.— Whereas, it appears to the Central Government that it is necessary, in the public interest that for the transport of petroleum products from Vadinar to Kandla in the State of Gujarat, a Pipeline should be laid by the Indian Oil Corporation Limited, for implementing the Vadinar - Kandla Pipeline Project on behalf of Petronet VK Limited.

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the Right of User in the land described in the schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by subsection (4) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein.

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri J.K.Gadhvi, Competent Authority, Indian Oil Corporation Limited, Vadinar - Kandla Pipeline, Shiv Krupa, Pankaj Society, Near Dental Hospital, Jamnagar - 361008 (Gujarat).

SCHEDULE

Tehsil: Lalpur

District: Jamnagar

State : Gujarat

Name of village	Survey No.	Area		
		Hectare	Are	Centiare
1	2	3	4	5
Jhakhhar	1	00	10	51
	189	00	17	41
	190	00	07	30
	37	00	20	63
	36	00	24	24
	35	00	18	70
	33	00	08	90

1	2	3	4	5
	34	00	40	09
	27	00	24	74
	26	00	05	73
	174	00	29	37
	158	00	11	44
	154	00	23	20
	153	00	32	09
	150	00	01	08
	146	00	19	79
	144	00	00	62
	145	00	27	31
	139	00	00	86
	140	00	19	65
Jogwad	210	00	02	40
	45	00	21	06
	44	00	24	22
	208	00	24	43
	195	00	32	31
	197	00	18	72
	196	00	09	99
	185	00	05	40
	187	00	08	61
	182	00	06	78
	186	00	18	13
	179	00	03	95
	180	00	09	59
	50	00	25	71
	62	00	17	58
	52	५८	35	69
	53/1	00	22	87
	161	00	42	99
	160	00	01	90
	162	00	07	67
	158	00	10	49
	156	00	31	01
	189	00	02	70
Tehsil : Jamnagar				
Gagva	48	00	13	94
	57	00	66	25
	58	00	24	68
	56/3	00	14	58
	63	00	48	69
	64	00	25	05
	69	00	24	31
	83/1	00	26	87
	84	00	07	57

1	2	3	4	5
	86	00	25	74
	112	00	41	11
	111	00	49	72
	110	00	15	45
	113	00	15	76
Mungani	171	00	45	00
	170	00	29	00
	169	00	03	55
	174	00	20	17
	176	00	02	57
	2	00	30	56
	175	00	21	03
	207	00	15	10
	213	00	15	69
	214	00	61	24
	17	00	11	90
	232	00	08	70
	234	00	19	04
	235	00	32	43
	237	00	02	48
	239	00	44	26
	240	00	54	49
	231	00	01	43
Sikka	100	00	53	70
	99	00	47	36
	105	00	02	46
	109	00	17	10
	110	00	18	00
	111	00	36	69
	157	00	04	05
	107	00	51	92

[No. R-31015/7/98-OR-I]

K. C. KATOCII, Under Secy.

श्रम मंत्रालय

AWARD

नई दिल्ली, 28 सितम्बर, 1998

का. आ. 2131—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया कोह्लार के प्रबन्ध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधि-करण, राउरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-9-98 को प्राप्त हुआ था।

[सं. एल-12012/37/95-आई. आर. (बी. I.)]

पी. जे. माईकल, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 28th September, 1998

S.O. 2131.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Keonjhar and their workman, which was received by the Central Government on the 25-9-98.

[No. L-12012/37/95-IR(B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE COURT OF PRESIDING OFFICER
INDUSTRIAL TRIBUNAL : ROURKELA

Industrial Dispute Case No. 116/97 (C)

Dated, the 20th July, 1998

Present :

Sri R. N. Risal, LL.M.,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN

The Branch Manager,
State Bank of India, Barbil
Branch, PO : Barbil, Keonjhar ... 1st party

AND

Sri Mukunda Patra, Near SBI
Barbil, PO : Barbil, Keonjhar ... 2nd party

Appearances :

For the 1st party.—Sri P. K. Mohanty, Branch
Manager.

For the 2nd party.—Sri B. S. Pati, General
Secretary.

2750 GI/98—10

The Govt. of India in Ministry of Labour in exercise of their power conferred under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 have referred the following dispute vide reference no. L-12012/37/95-IR(B.I) dt. 24-6-96 for adjudication :

“Whether the action of the Branch Manager, State Bank of India, Barbil Branch, PO : Barbil, Distt. : Keonjhar in terminating the services of Sri Mukund Patra, Canteen Boy-Cum-Messenger PO : Barbil, Distt. : Keonjhar w.e.f. 1-4-1992 is justified ? If not, what relief the workman is entitled to ?”

2. The case of the 2nd party workman as per his statement of claim in sort is that he joined under the 1st party as a canteen boy-cum-messenger in June, 1984 & continued as such till 1-4-92 whereafter his service was terminated verbally. On 17-3-93 he made representation in writing to the Regional Manager, State Bank of India, Sambalpur for his re-instatement in service with full back wages. Since it did not cut ice, the 2nd party workman raised the dispute before the Asstt. Labour Commissioner, Rourkela & the conciliation having been failed, the Asstt. Labour Commissioner submitted the failure report to the government who in turn referred it to the tribunal for adjudication in accordance with law.

3. As against this, the 1st party management contended that the 2nd party workman was engaged as a canteen boy by the local implimentation committee (Staff Welfare Scheme) at Barbil branch in the month of September '84 & worked as such till October, 1986. He was not engaged by the State Bank of India Barbil Branch as claimed by him. The Canteen at Barbil branch was run by the local implimentation committee under staff welfare scheme and the bank has no role to play in such matters. Since the 1st party bank does not supervise & control the work of the workers of the canteen run by local implimentation committee, there does not exist any relationship of master & servant between the bank and the workers of the canteen.

4. It is the specific case of the 1st party bank that the 2nd party workman worked for a few days as a casual labour in the 1st party bank during the period from Nov. '86 to Feb. '87 for performing sundry job on daily wages. In terms of the bipartite settlements dt. 27-10-88 & 9-1-91 entered between bank & the staff federation, advertisements were published in the newspaper by the local head office calling for application from the ex-temporary canteen employees who had worked for a number of days over the specified time span for being considered for permanent appointment. In response to such advertisement, the 2nd party workman made such an application. He faced the interview, but he was not considered suitable for appointment in the bank. So being arieved by this, he raised the present dispute. Hence the 1st party management prays to pass award in its favour.

5. On the basis of the above pleadings of the parties, the following two issues were framed :

(i) Whether the action of the management in terminating the services of Sri Mukunda Patra, Canteen Boy-Cum-Messenger, FO : Barbil, Distt. : Keonjhar w.e.f. 1-4-92 is justified ?

(ii) If not, what relief the workman is entitled to ?

6. To prove their respective cases, the parties examined only one witness each.

7. Issue no. I.—It transpires from the evidence of W.W. no. 1, the 2nd party workman himself, that he joined under the 1st party management as a canteen boy-cum-messenger in the month of June '87 and continued to work as such till the end of March '92 whereafter his services was terminated verbally. During cross-examination the 2nd party workman admitted that he was not given any formal appointment and did not put his signature in any attendance register of the 1st party, during his incumbency as a canteen boy-cum-messenger.

It further found from his evidence that the canteen in which he was working was owned by the 1st party management. Utensils & furnitures used in the canteen are also owned by it. He further deposed that Jhadeswar Naik, the then Branch Manager of State Bank of India, Barbil branch had given him an experience certificate, as per Ext. 1 certifying that he was working under the 1st party management as canteen boy-cum-messenger from June '84 to Feb. '87. It was suggested to this witness by the 1st party during cross-examination that the word "cum-messenger" have been subsequently added after the word "canteen" to Ext. 1 to which he refused.

8. On the other hand, it is found from the evidence of M.W. 1 Jhadeswar Naik, the then Manager of the 1st party that the 2nd party workman was spraving water to the khaskhas in the office of the 1st party bank & was supplying water to the staff thereof. He issued a certificate in favour of the 2nd party workman on 29-6-88 as per Ext. 1. But the words "cum-messenger" and the words "total days worked 522 days" from 1984 to 1987" have been subsequently inserted to it. Ext. A the office copy of Ext. 1 shows that the words "cum-messenger" and total days worked to 522 days from 1984 to 1987 were not there. So it is held that these words were inserted to Ext. 1 subsequently. But as per the evidence of this witness the 2nd party workman was engaged under the 1st party bank to spray water to the 'khaskhas' in the office & to supply water to the staff of the Barbil branch. He worked as such from 1984 to 1987. But as discussed earlier, it is found from the evidence of workman himself that he worked under the 1st party management from June '87 to 1992. But this part of his evidence has not been challenged. The evidence of the management witness corroborated the evidence of W.W. no. 1 to the extent that the later was engaged as a water boy in the 1st party bank for some period.

9. So it is held that the 2nd party workman worked under the 1st party management for more than one year.

10. Section 25-F of the I.D. Act reads as follows :

"25-F : Conditions precedent to retrenchment of workmen—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice :
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen day's average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

Order of termination of service of a workman without complying clause-2(c) will not amount to illegality. But if the requirements of the other two clauses referred above are not complied with the order of termination of service of a workman would be illegal. Admittedly the 1st party management has not given one month notice or wages of one month in lieu thereof to the 2nd party workman before termination of his service. It has also not paid the retrenchment benefit as envisaged under section 25-F (b) of the I.D. Act to the 2nd party workman. Non compliance of these two provisions by the management before terminating the services of 2nd party workman will render the order of termination illegal. So it is held that the termination of service of the 2nd party workman is not legal and justified.

11. In view of the above findings the 2nd party workman is entitled to be reinstated.

12. There is nothing in the record to show that the 2nd party workman was gainfully employed somewhere else, after termination of his service. The service of the 2nd party workman was terminated more than 6 years back. In my view, it would meet the ends of justice if he is paid 50 per cent of the back wages.

13. Therefore, it is held that the 2nd party workman shall be reinstated in service with 50 per cent back wages and other statutory benefits. The parties to bear their own cost. Accordingly the award is passed.

R. N. BISWAL, Presiding Officer

नई दिल्ली, 28 सितम्बर, 1998

का. आ. 2132:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सर्वे रेखवे, त्रिचुरापल्ली के प्रबन्धतंत्र

के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक भ्रष्टाचार, तमिलनाडु के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-9-98 को प्राप्त हुआ था।

[सं. एल-41012/37/92-आईआर (डी. यू.)/बी. I]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 28th September, 1998

S.O. 2132.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway, Tiruchirapalli and their workman, which was received by the Central Government on the 25-9-98.

[No. L-41012/37/92-IR(DU)/B.I.]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
2ND FLOOR, CITY CIVIL COURT BUILDINGS,
CHENNAI-104

Wednesday, the 1st day of July, 1998

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 5 OF 1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the workmen and the Management of Southern Railway, Tiruchirapalli)

BETWEEN

Shri M. Rajaram,
No. 10-A, 1st Street,
Kumarappa Nagar, Katpadi 632007,
N.A. Dist. Tamil Nadu

AND

The Sr. Divisional Personnel Officer,
Southern Railway,
Tiruchirapalli 620001.

REFERENCE :

Order No. L-41012/37/92-IR(DU), Ministry of Labour, dated 3rd January 1993, Government of India, New Delhi.

This dispute coming on for final hearing on Friday, the 5th day of December 1997, upon perusing the reference, claim, counter statements and all other documents on record, upon hearing the arguments of Thiru D. Hariparanthaman, Advocate appearing for the workman and of Thiru G. Kalyanasundaram, Advocate appearing for the respondent-management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Southern Railway, Tiruchirapalli in not employing Shri Rajaram with effect from 21-12-1983 is legal and justified? If not, to what relief the workman is entitled to?"

2. The main averments found in the claim statement filed by the petitioner-union are as follows :

The petitioner was working as a Mazdoor from 24-6-70 to 21-10-72 and later 21-3-82 to 20-12-82. In the first spell, petitioner was working in the office of permanent way Inspector, Katpadi which comes under Madras Division of the

Southern Railway. In the second spell, petitioner was working in the office of the Permanent way Inspector, Vellore cantonment which comes under Trichy division. Petitioner was abruptly denied employment on 20-12-82 without any reasons whatsoever. The action of the respondent in terminating the services of the petitioner amounts to retrenchment under Sec. 2(oo) of the I.D. Act. Since the respondent failed to comply with the mandatory provision Sec. 25F of the I.D. Act, the termination is illegal and void. Personal representations were made by petitioner immediately after his termination. Representations did not bring any reply. Written representation dt. 6-5-84, 2-5-85 and 22-9-86 were also given by petitioner. Petitioner also made a representation to Thiru Basudev Acharya, Member of Parliament who in turn represented the matter to the General Manager, Southern Railway by his letter dt. 10-12-86. Another representation dated 4-2-87 was also sent by the Hon'ble M. P. on behalf of the petitioner. It was informed by the General Manager's Office in their letter dated 13-2-87 that they could inform the M. P. in due course. It was also in by their letter dated 2-3-87 that the matter is under consideration of Southern Railway. The petitioner applied for employment through his application dated 21-3-87 to Trichy division with reference to their letter dated 11-3-87. The petitioner also applied for employment to Madras Division through his application dated 21-3-87. By applications dated 17-3-88 and 26-9-88 the petitioner sought employment from Trichy and Madras Divisions. The Deputy Minister of Labour and Parliamentary Affairs in his letter dated 2-6-89 forwarded petitioner's representation to the Deputy Minister for Railways for necessary action. The petitioner also applied for employment to both Madras and Trichy Divisions with reference to their circular dated 19-7-90. Apart from this, representation was made by petitioner's mother to the department seeking employment to petitioner as petitioner's father was an ex-employee of Railway Administration. It was informed by the department in their letter dated 13-8-86 that petitioner's appointment would be considered in accordance with priority and registration. Since all the petitioner's efforts did not bring any fruit, an Industrial dispute was raised by the petitioner. The termination of petitioner is illegal as it is opposed to Chapter VB of the I.D. Act and in particular Sec. 25(N) of the Act. The termination is illegal and in contravention of Sec. 25(G) of the I.D. Act, since petitioner's juniors are retained while he was terminated. New employees have been taken by the department but failed to provide employment to the petitioner which is contrary to Sec. 25(H) of the I.D. Act. The petitioner prays to pass an award holding that the action of the management of Southern Railway, Tiruchirapalli division in not employing the petitioner w.e.f. 21-12-92 is illegal and not justified and direct the respondent to reinstate the petitioner with back-wages, continuity of service and other attendant benefits.

3. The main averments found in the counter statement filed by the respondent are as follows.—The petitioner was originally a casual labourer of the katpadi section of the Madras Division of Southern Railway. He had worked there as a casual labourer during the period from 24-6-70 to 20-11-72 with occasional breaks in service. The petitioner abruptly stopped coming for work thereafter. The Katpadi Permanent Way Section comes under the administrative jurisdiction of the Madras Division of the Southern Railway and as such, is outside the administrative control of the respondent. The petitioner was later engaged as a casual labourer in the Vellore Permanent Way Section of the Tiruchirapalli Division of the Southern Railway coming under the charge of the Permanent Way Inspector of Vellore during April 1982. The petitioner worked as a casual labourer in the Permanent Way Section of Vellore till the wage period ending 20-12-82 with occasional breaks. However, the petitioner did not turn up for work thereafter. The petitioner could not therefore be engaged for sanctioned works. It was the petitioner who stopped coming for work abruptly. The question of termination of retrenchment of the petitioner does not arise at all, when no termination has actually taken place, the provisions of Sec. 2(oo) of Sec. 25F of the I.D. Act, do not come into play at all. There has been no representation whatsoever from the petitioner explaining his abrupt absence from work beyond wage period ending on 20-12-82 and seeking work. It is not clear from the petitioner as to the Railway division to which the petitioner had sought engagement. The respondent has not received

any references from the General Manager, Southern Railway, in respect of the petitioner. On the one hand the petitioner has stated that General Manager, Southern Railway gave a reply and on the other, the matter is under consideration of South Central Railway, which has no jurisdiction over the matter sought to be raised in this petition. The matter of engagement was first raised by the petitioner in a petition dated 15-3-91 filed by him before Regional Labour Commissioner, Central, Madras u/s. 2A of the I.D. Act, 1947. The petitioner did not at any point of time during the proceedings before the Regional Labour Commissioner said that he had represented about his engagement as casual labourer. Even according to the petitioner's claim, he had given a representation only on 6-5-84. The petitioner cannot apply for employment in the railways as and when he wishes to do so. He could apply only against specific employment notice if and when called for, provided he satisfied the eligibility conditions. There was no engagement or casual labour fresh faces in the year 1987. Railway Board evolved a scheme for inclusion of casual labour discharged prior to 1-1-81 for want of work or completion of work in the live register during March 1987. If the alleged application of the petitioner is with reference to the instructions issued in this regard, then he should have applied to the Madras division of the Southern Railway. The petitioner who had been initially engaged in the PWI, Katpadi section of the Madras division can only apply to Madras division authorities with proper proof in support of his casual labour service in the concerned unit. Inclusion in live register is not automatic but subject to verification of the details produced by the casual labourer concerned. The petitioner who had been initially engaged as a casual labourer in the PWI Katpadi unit of the Madras division, cannot apply to Trichirapalli division. Even otherwise, the petitioner is not covered by these provisions as he was not discharged by the Railway Administration but abruptly stopped from coming to work on his own volition. As per the provisions of the Indian Railway Establishment Manual Volume II, Para 2004, under the head "Notice of termination" the service of casual labour will be deemed to have been terminated when they absent themselves or on the close of the day. No reference from any Hon'ble Minister in respect of petitioner has been forwarded to the respondent. The claim of the petitioner that he was informed by the letter dated 13-8-86 as regards considering him for appointment is denied. When there is no termination, the question of legality or Sec. 25N, 25G of the I.D. Act, 1947 being attracted does not arise. The petitioner's claim that fresh labour were engaged is denied. It was the petitioner who did not turn up for work beyond 20-12-82 and remained unauthorisedly absent. He had turned up at the office of the PWI/Vellore on 8-5-83 only to get entries in the casual labour card and not to seek work. The petitioner has not produced any proof of alleged termination of his service w.e.f. 21-12-82. The petition as such is not correct or tenable and is not sustainable either in law or on facts. The respondent prays to dismiss the petition.

4. The petitioner has examined himself as WW1 and Ex. 1 to W-44 have been marked. No witness was examined on behalf of the respondent. Ex. M.1 was marked.

5. The point for consideration is : Whether the action of the respondent management of the Southern Railway, Trichirapalli in not employing Shri M. Rajaram w.e.f. 21-12-82 is legal and justified? If not, to what relief the workman is entitled to?"

5. The point for consideration is : Whether the action of Mazdoor from 24-6-70 to 21-10-72 in the office of the Permanent Way Inspector, Katpadi which comes under Madras Division. From 21-3-82 to 20-12-82, the petitioner was employed in the Office of the permanent way Inspector Vellore Cantonment which comes under Trichy division. On 20-12-82, the petitioner was not engaged for want of sanction as seen from Ex. W-1 service records of the petitioner. Thereafter the petitioner made several representations by himself, or through his mother or through certain members of Parliament. Ex. W-2 dated 6-5-84, W-3/21-8-87, W-15/30-3-87, W-16/17-3-88, W-17/17-3-88, W-19-26-9-88, W-20/26-9-88, W-23/22-5-89, W-26/27-6-89, E-28/19-7-90 are letters sent by the petitioner seeking reinstatement. Ex. W-4, dt. 13-8-86 is letter of the petitioner's mother seeking reinstatement of the petitioner. Ex. W-14, W-21, W-22,

W-24, W-27, W-29, W-30 are postal acknowledgement cards signed by the respondent's official for the various representations, by the petitioner. Ex. W-18 is certificate of posting of Ex. W-17, Ex. W-7 and W-10 are letters of Thiru Basudev Acharya Member of Parliament, regarding the reinstatement of the petitioner. Ex. W-25 is another letter sent by Thiru Radhakrishna Malaviya, Deputy Minister of Labour, and parliamentary affairs to the Deputy Minister for Railways regarding the reinstatement of the petitioner. Ex. W-8, W-11 and W-12 are letters of the General Manager sent to Shri Basudev Acharya, Member of Parliament which were turn communicated to the petitioner regarding his employment. In spite of the several representations made by the petitioner and also letters sent by the Member of Parliament and Hon'ble Deputy Minister for Labour, the petitioner was not reinstated or absorbed in the services by the respondent. On 15-3-91, the petitioner filed 2-A petition before Asst. Labour Commissioner (Central), Madras and the respondent filed a counter statement Ex. W-32. Ex. W-34 is a circular regarding maintenance of live casual register and Ex. W-35 is the order dated 4-3-87 regarding the maintenance of live casual register for casual labourers. Ex. W-36 is notification regarding application for appointment as open line casual labour in railways. Ex. W-37 is application of the petitioner dt. 7-9-91 to the Assistant Commissioner of Labour (Central), Madras regarding his employment. Ex. W-38 is the reply of the management to the Regional Labour Commissioner (Central), Ex. W-39 is the rejoinder of the petitioner to the reply statement of the Divisional Personnel Officer, Trichirapalli. W-40 is the reply given by the respondent to the rejoinder of the petitioner. Ex. W-41 is the conciliation failure report. Ex. W-42 is the order of Central Administrative Tribunal in O.A. 603/90, W-43 is the order of Central Administrative Tribunal, Madras Bench in O.A. 1618/93. W-44 is the letter of the Assistant Commissioner of Labour (Central), Madras regarding the conciliation proceedings. The contention of the petitioner is that from 24-6-70 to 21-10-70 the petitioner was working in the office of the Permanent Way Inspector/Katpadi and thereafter from 21-3-82 to 20-12-82, he worked under Permanent Way Inspector/Vellore Cantonment and after 20-12-82 he was not engaged for want of sanction. In both the spells, the petitioner has worked continuously for 240 days and therefore termination of the services of the petitioner abruptly without complying the mandatory provisions of Sec. 25F of the I. D. Act, amounts to retrenchment and his termination is illegal. The further contention of the petitioner is that after specific instructions from the Railway Board to include casual labourers who were retrenched before 1-1-81 and also after 1-1-81 in the live register and in spite of petitioner's application to include his name, the petitioner's name was not included in the live register and the petitioner was not reinstated while several of his juniors have been reinstated in service. The contention of the respondent management is that in the first spell, when he worked under PWI/Katpadi after 21-10-72 he did not turn up for work, probably, for more fruitful employment elsewhere, and did not apply for inclusion of his name in the live register and the petitioner should have applied at the Madras division which includes Katpadi where he was initially engaged and therefore there is no question of retrenchment of the petitioner.

7. From the service card Ex. W-1 it could be seen that after 1-10-72 the petitioner did not turn up for work in the first spell when he was working under PWI/Katpadi. Therefore, the contention of the respondent that the petitioner himself absented unauthorised and therefore, the question of retrenchment does not arise seems acceptable. But as regards the next spell, of the engagement of the petitioner from 21-3-82 upto 20-12-82 he has worked for 228 days and he was not engaged thereafter for want of sanction. Therefore the non-engagement of the petitioner after 20-12-82 is not due to the fault of the petitioner because for want of sanction. If Sundays and other National holidays are also included as held by the Hon'ble Apex Court in 1985 1 LLJ P 34, The Management of Standard Motor Products of India Ltd., Vs. Shri A. Parthasarathy & Ors. and 1985 1 LLJ p. 539. The workmen of American Express International Banking Corporation Vs. The Management of American Express International Banking Corporation, the total number of days the petitioner should have worked will come to 240 days, within the meaning of Sec. 25B of the I.D. Act. But while terminating the services of the petitioner either for want of sanction or any other reason, the respondent management has not followed the

provisions of Sec. 25F of the I.D. Act. In the railways the person who has worked continuously for 120 days should be granted temporary status. The contention of the respondent management regarding granting of temporary status as seen from Ex. W-38 is a reply to the rejoinder of the petitioner before Regional Labour Commissioner (Central) is as follows :

"The grant of temporary status is not done then and there but only collectively much later duly grouping together all such eligible casual labourers. Further the petitioner was not engaged in open line works and grant of temporary status after 4 months or 120 days continuous service applies only to open line casual labourers. The petitioner was engaged in project work and the Scheme for grant of temporary status to project casual labour was introduced only from 01-01-84, on which date the petitioner was not in active management."

The respondent has not produced any document to show that grant of temporary status for such of those workmen who have continuously worked for 120 days is available only to those casual labourers engaged in open line and grant of temporary status to project casual labour was introduced only on and from 1-1-1984. In the same letter, the respondent has mentioned that even if the petitioner was without work for certain period after his stoppage, such stoppage was due only for want of specific sanction for the work concerned and there was every possibility of the petitioner being provided with work on receipt of necessary sanction. The above statement of the respondent would show that the petitioner was denied employment for want of sanction for some work, during December 1982. The petitioner had been sending several representations either by himself or through Hon'ble Member of the Parliament for reinstatement in service, but on one pretext or another, he was not reemployed. Lastly the Personnel branch of Head Quarters office has issued instructions for maintenance of casual labour register and open line casual labour following the judgement of the Hon'ble Apex Court in *Inter Pal Yadav & Ors. Vs. Union of India and Ors.* (1985 II LLJ P. 406) by promoting a scheme for employment of such of those employees who were discharged before 1-1-1981 and also after 1-1-1981. Ex. W-34 is the instructions issued by the Head-quarters office of the Personnel branch, Madras to the various unit officers to give wide publicity to the notification exhibiting in all prominent places, offices and railway stations and to receive representations to verify the genuineness of the claim and send the applications and complete the processing before 30-4-84 and send a complete report to the Headquarters by 9-5-87. Ex. W-35 is the circular letter dated 4-7-87 issued by the Ministry of Railways regarding opportunity to be given open line casual labour who were also discharged before 30-4-87 and send a complete report to the Headquarters. Ex. W-32 letter dt. 14-8-91, sent by the respondent to Regional Labour Commissioner (Central) respondent has admitted that the railway board has issued instructions that such of the casual labourers who were stopped from work after 1-1-81 may be considered for inclusion in the live register to be opened for that purpose. But the respondent has contended that the petitioner's initial management was with Permanent way Inspector/Katpadi which comes under Madras Division and as such he should have applied to the Madras Division if he wished to be included in the live register. The respondent has further contended that the question of inclusion in the live register at Trichirapalli division, did not therefore arise in the case of the petitioner as his initial appointment was not falling within the jurisdiction of Trichirapalli division. In Ex. W-38 letter dt. 7-2-92, sent to the Regional Labour Commissioner, the respondent has mentioned as follows :

"The petitioner should have applied at required at that time for inclusion in the live register, to the Divisional Personnel Officer, Southern Railway, Madras Division since he was initially engaged in the Permanent Way Inspector's office at Katpadi coming within the jurisdiction of the Madras Division of the Southern Railway.

It is quite surprising to note that inspite of the wide publicity given to the Notice calling on casual labourers who were stopped for want of sanction to apply for inclusion in the live casual register and the

petitioner had not responded in time and instead he has been repeatedly harping on re-engagement in the Permanent Way Inspector Unit, Vellore. Even if the petitioner was without work for a certain period after his stoppage, such stoppage was due only for want of specific sanction for the work concerned and there was every possibility of the petitioner being provided with work on receipt of necessary sanction."

The letter dt. 26-3-92, sent to Regional Labour Commissioner, the respondent mentioned as follows :

"The petitioner was not retrenched from engagement by the Railway Administration. He stopped from coming to work on his own volition and did not at any time turn up thereafter. He did not also respond to the call given for inclusion of casual labourers stopped for want of sanction or want of work as the case may be in the Live Register. By stating that "recruitment" of casual labour was banned, it was only meant that there was no engagement of new faces. The fact, however, remains that the petitioner did not ever turn up for further work after 20-12-82. The petitioner was not a retrenched casual labourer. He was only stopped for want of sanction as could be seen from the entry under in the casual labour card.

He did not also apply to the Divisional Personnel Officer, Southern Railway, Madras for inclusion in Live Register as he was initially engaged as a casual labourer in the permanent Way Inspector's Office at Katpadi coming within the administrative control of the Madras Division of the Southern Railway. The petitioner is put to strict proof with regard to his claim of having applied to the Divisional Railway Manager S. Railway, Trichirapalli. In fact in his reply in this respondent's letter dt. 14-8-91 the petitioner has only mentioned that he had applied to the G. Manager, S. Railway, Madras for re-engagement. He had not stated that he applied to the Divisional Manager, S. Rly., Trichirapalli. His claim of now having represented to the Divisional Railway Manager, S. Rly., Tiruchirapalli for re-engagement is purely an afterthought and totally false."

From the above contentions of the respondent in their various letters to Regional Labour Commissioner, the following facts emerge (i) The initial engagement of the petitioner was with the Permanent Way Inspector/Katpadi within the jurisdiction of Madras Division and therefore he should have applied to the Divisional office at Madras for inclusion of his name in the live Register. (ii) The petitioner has not applied to the Divisional Railway Manager, Southern Railway, Tiruchirapalli for re-engagement as contended by him and the contention of the petitioner that he had applied to the Divisional Railway Manager, Tiruchirapalli is an afterthought.

The petitioner has sent Ex. W-13 application dt. 21-3-87 to the Divisional Railway Manager, Southern Railway, Tiruchirapalli. The Divisional Railway Manager, Tiruchirapalli has received his application on 28-3-87 as seen from Ex. W-14 postal acknowledgement card. The petitioner has also produced registration receipt for sending Ex. W-13 application. The petitioner has also sent a similar application dated 30-3-87 to the Divisional Railway Manager, Madras Division which has been received by the Divisional Railway Manager, Madras Division which has been received by the Divisional Railway Manager as seen from postal acknowledgement attached with Ex. W-15. The petitioner has also produced registration receipt for having sent Ex. W-15 application. Thus it could be seen that the petitioner has sent 2 applications one to the Divisional Railway Manager (Personnel), Southern Railway, Trichy and another to the Divisional Railway Manager (Personnel), Madras Division. The above two Ex. W-13 and Ex. W-15 applications have been sent continuing necessary particulars as required by the notification marked as Ex. W-36. Therefore the contention of the respondent management that the petitioner has not sent necessary applications to empanel himself in the casual labour live register (Open line) as required by the Railway Board in their directions mentioned earlier and as found in Ex. W-34, and W-35, are not correct. The petitioner has complied with instructions of the Railway Board to include his name in the live casual labour register—Open line casual labour. But the respondent

has not included his name till date inspite of the various representations from 1988 to 1990 and also during the continuation proceedings in 1991 and 1992. The petitioner's initial engagement was at Katpadi within Madras Division, and subsequent engagement was at Vellore within territorial jurisdiction of Trichirapalli division. It was only while working at Vellore division, the petitioner was not engaged for want of sanction of work. Therefore, it would have been proper for the respondent to include his name in the live register of Tiruchirapalli division. But the respondent has not included his name in both the Division.

Hon'ble Central Administrative Bench, Madras in O.A. 603/90 and O.A. No. 1618/93 Exs. W-42 and W-43 has held that, such of those casual labourers who were not re-engaged or re-employed after their termination after 1-1-81 should be again empanelled on their application.

While terminating the services of the petitioner on 20-12-82, the respondent has not followed the mandatory provisions of Sec. 25F of the I.D. Act. Inspte of petitioner's various letters and also applications as mentioned above, the respondent has failed to re-engage him or reinstate him and also failed to empanel him in the live register for casual labourers. In the above circumstances, I hold that the action of the respondent management in not employing the petitioner w.e.f. 21-12-82 is illegal and unjustified. The petitioner is entitled to reinstatement with 50 per cent backwages and other attendant benefits. Award passed. No costs.

Dated this the 1st day of July 1998.

S. ASHOK KUMAR, Industrial Tribunal.

WITNESSES EXAMINED

For Petitioner-workman :

W.W-1 : Thiru Rajaram M.

For Respondent-management : Nil

DOCUMENTS MARKED

For Petitioner-workman :

Ex. W-1/ : Service Card of the petitioner/workman (xerox copy).

Ex. W-2/6-5-84 : Letter from petitioner seeking reinstatement (copy).

Ex. W-3/2-5-85 : Letter from petitioner seeking reinstatement (copy).

Ex. W-4/13-8-86 : Letter from petitioner's mother seeking reinstatement of petitioner.

Ex. W-5/ : Reply by the department to the letter dt. 13-8-86 (copy).

Ex. W-6/22-9-86 : Letter from petitioner seeking reinstatement.

Ex. W-7/10-12-86 : Letter from Member of Parliament (copy).

Ex. W-8/16-12-86 : Letter from Member of Parliament (Original).

Ex. W-9/9-1-87 : Letter from respondent to petitioner.

Ex. W-10/4-2-87 : Letter from Member of Parliament (copy).

Ex. W-11/13-2-87 : Letter from Member of Parliament (copy).

Ex. W-12/2-3-87 : Letter from Member of Parliament (copy).

Ex. W-13/21-3-87 : Letter from petitioner seeking reinstatement.

Ex. W-14/ : Acknowledgement.

Ex. W-15/17-3-88 : Letter from petitioner seeking reinstatement.

Ex. W-16/17-3-88 : Letter from petitioner seeking reinstatement (copy).

Ex. W-17/17-3-88 : Letter from petitioner seeking reinstatement (copy).

Ex. W-18/ : Certificate of posting proof.

Ex. W-19/26-9-88 : Letter from petitioner seeking reinstatement.

Ex. W-20/26-9-88 : Letter from petitioner seeking reinstatement (copy).

Ex. W-21/26-9-88 : Acknowledgement.

Ex. W-22/26-9-88 : Acknowledgement.

Ex. W-23/22-5-89 : Letter from petitioner seeking reinstatement.

Ex. W-24/ : Acknowledgement.

Ex. W-25/ : Letter from Member of Parliament.

Ex. W-26/ : Letter from petitioner seeking reinstatement (copy).

Ex. W-27/ : Acknowledgement.

Ex. W-28/19-7-90 : Letter from Petitioner seeking reinstatement (xerox).

Ex. W-29/ : Acknowledgement

Ex. W-30/ : Acknowledgement.

Ex. W-31/ : Acknowledgement.

Ex. W-31/15-3-91 : 2A petition filed by petitioner (xerox).

Ex. W-32/W-33 to W-35/14-8-91 : Counter filed by the respondent.

Ex. W-37/7-9-91 : Rejoinder to the counter statement.

Ex. W-38/7-2-92 : Reply to the rejoinder filed by respondent.

Ex. W-39/18-3-92 : Rejoinder to reply statement filed by petitioner.

Ex. W-40/26-3-92 : Reply to the rejoinder by the respondent.

Ex. W-41/31-3-92 : Failure report.

Ex. W-42/13-8-91 : Order passed by Central Administrative Tribunal in O.A. 603/90 and O.A. 1618/93.

Ex. W-43/1-12-95 : Order passed by Central Administrative in O.A. 603/90 and O.A. 1618/93.

Ex. W-44/19-3-91 : Letter by Assistant Labour Commissioner (C) to Shri M. Rajaram & Permanent Way Inspector (xerox).

For Respondent-management :

Ex. M.1 : Government of India/Ministry of Railways/Railways to the General Managers, All Indian Railways rega. maintenance live casual labour register (original).

नई दिल्ली, 5 अक्टूबर, 1998

का. आ. 2133.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद, बैंक के प्रबन्धतंत्र के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-9-98 को प्राप्त हुआ था।

[सं. एल-12012/136/88—आई. आर. (बी. II)]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 5th October, 1998

S.O. 2133.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to

the management of Allahabad Bank and their workman, which was received by the Central Government on 25-9-98.

[No. L-12012/136/88-IR(B-II)]
C. GANGADHARAN, Desk Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 158 of 1988

PARTIES:

Employers in relation to the management of Allahabad Bank.

AND

Their Workmen

PRESENT:

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE:

On behalf of Management

Mr. S. K. Ghosh, Senior Manager (Law) of the Bank.

On behalf of Workmen

Mr. A. D. Singh, Executive Committee Member of the Union.

State: West Bengal.

Industry: Banking.

AWARD

By Order No. L-12012/136/88-D.II(A) dated 19th August, 1988 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Allahabad Bank in terminating the services of S/Shri Ganesh Ch. Das, Tarun Kanti Chakraborty and Shambhu Nath Das and not considering them for further employment while recruiting fresh hands under sec. 25H of the I.D. Act is justified? If not, to what relief are the workmen concerned entitled?"

2. Instant reference has arisen at the instance of Allahabad Bank Indian Staff Association (in short union) for alleged termination of services of its members, namely, Ganesh Chandra Das, Tarun Kanti Chakraborty and Shambhu Nath Das and also for not considering them for further employment while recruiting fresh hands under section 25H of the Industrial Disputes Act, 1947 (in short the Act) by the management of Allahabad Bank (in short the management).

3. Union's case, in short, is that the three concerned workmen, namely, Ganesh Chandra Das, Tarun Kanti Chakraborty and Shambhu Nath Das worked for 866 days, 231 days and 552 days excluding intervening Sundays and holidays respectively as sub-staffs in different branches of Allahabad Bank in vacancies of permanent nature on regular assignments. The management did not pay them their scale wages and exploited them for long time with the temptation that they would be made permanent, but they were ultimately retrenched from their services. The union has further alleged that all the papers concerning their employment are lying with the management. The union accordingly submitted demand justice notice upon the management on 4-7-1987. An industrial dispute thereafter was raised which culminated in the present reference. The union has accordingly challenged the action of the management in retrenching the services of the workmen as illegal, high-handed and violative of all rules and settlements in the matter and that the management was guilty of resorting to unfair labour practice. It is further alleged that the management recruited number of sub staffs since then without offering any chance to the concerned workman in utter violation of law. The union has accordingly prayed for reinstatement of the concerned workmen alongwith back wages.

4 The claim of the union is contested by the management of Allahabad Bank. The management in its written statement has denied that the concerned workmen had worked for those days as mentioned in the written statement of the union or that they worked as sub-staffs in vacancies of permanent nature on regular assignment at any point of time. The Bank has also alleged that as the concerned workmen were never the workmen under the management, no question of paying them any scale of wages can arise. The management has further alleged that it was neither aware of the age and qualification of the concerned workmen, nor there was any need for knowing the same as there was no contract of service between them and the Bank. The management also denied that it has in its custody any document or record such as payment vouchers etc. in respect of these workmen. The management has further denied the allegations of the union that they received remuneration/wages at any point of time. The management has further alleged that the concerned workmen were never subjected to any employment formalities like sponsorship of their names by the employment exchange, written test/interview etc. as per government guidelines. The management has denied any relationship of employer and employee between it and the concerned workmen and also the termination or retrenchment of the concerned workmen. It has also alleged that even if they had rendered service of casual nature that will not invest them with any right of absorption in the service of the management. The management has accordingly prayed for dismissal of the claim of the union.

5. It appears from record that the union has examined three witnesses who are the three concerned workmen in this case. Management also examined four witnesses. Both sides have also produced certain documents. One letter addressed to the Regional Manager of the Regional Office of the Bank was sent by the Manager of Dunlop Bridge Branch forwarding an application of Tarun Kanti Chakraborty, one of the concerned workmen, dated 22-8-1985 is marked Ext. W-1 in this case. Ext. W-2 a sheet containing details of the amount paid to Tarun Kanti Chakraborty through cheques. Ext. W-3 is a record of weekly payments to Ganesh Chandra Das another concerned workman. Ext. W-4 is the letter of the Assistant General Manager to the Assistant Labour Commissioner. Only a bipartite settlement, marked Ext. M-1 was produced by the management. There are all the documents produced by the parties in this case.

6. Before examining the evidence mentioned above, it is necessary to consider the scope of the reference as it appears from the schedule of reference. It shows that it is not only related to the justification of the termination of the services of the concerned workmen, but also for not considering their cases for further employment under section 25H of the Act. The difficulty in disposal of such composite reference is that Section 25F of the Act cannot have any application unless the termination is justified. Similarly, if the termination of service is found to be not justified, Section 25H of the Act has no application. Properly understood, the reference, in my opinion, seeks decision on two points, namely, whether the termination of the services of the concerned workmen was justified and if so whether the management was bound to engage them under Section 25H of the Act.

7. The management having totally denied the union's case that the concerned workmen were ever engaged by the Bank and the evidence having been led by the management to that effect, it is better to examine the case of the management in the matter first. Of the witnesses examined by the management, MW-1 is Debdas Bhattacharjee, a Senior Manager of Shyam Bazar Branch of the Bank. Union's case is that the concerned workman Ganesh Chandra Das had worked in that Branch. MW-1 stated in his evidence that though he has no personal knowledge in the matter still then, looking through the records of the Shyam Bazar Branch he did not find any person in the name of Ganesh Chandra Das ever working in that Branch. MW-2 Ritov Kamal Haldar is a Manager of the Garden Reach Branch of the Bank. He stated in his evidence that one Kartick Chandra Guha is working in the substantive post of Peon-cum-Farash since 1932 and that there is only one Peon-cum-Farash in that Branch. He denied that the workman Shambhu Nath Das had ever worked in the said Branch and his knowledge in the matter is based on the attendance register. He also stated they have no authority to take any temporary employee in

the sub-staff and there is prohibition against appointment of casual worker. MW-3, Ratan Kumar Roy is the Manager of the Dunlop Bridge Branch of the Bank since 1996. He stated that as per records there is no employee in the name of Tarun Kanti Chakraborty. He also stated the names of the three persons working as sub-staff there and there was no further requirement for engagement of any further sub-staff. He also stated that the name of Tarun Kanti Chakraborty does not appear in the attendance register. MW-4, Amalendu Chatterjee is Senior Manager Operations in the Calcutta Main Branch of the Bank since 1996. He denied that the workman Shambhu Nath Das was ever engaged by the Bank as a temporary sub-staff. He further stated that the Bank is strictly bound by the requisite procedure for appointment of sub-staff, namely, sponsorship by the employment exchange and interview and/or test.

8. As against these witnesses, WW-1, Shambhu Nath Das one of the concerned workmen stated in his evidence that he worked in the Allahabad Bank on two different periods of time, the first one being from 8-12-1975 to 31-5-1976 and other from 12-3-1984 to 15-10-1987. He stated that he worked as daily-rated worker. He admitted that neither any appointment letter was issued in his favour nor he was required to sign any attendance register. About the receipt of his salary he stated that such receipt was issued in favour of Kartick Guchait, a permanent sub-staff. He also admitted that he has no knowledge whether the Bank has passed any order authorising Shri Kartick Guchait to receive money on his behalf. He stated that he was interviewed by the Branch Manager and that he was appointed to do the work of a Peon. There being absolutely no document in support of his case, it is not possible to place any reliance on his evidence that he had rendered any service in the Bank as alleged by him.

WW-2 is Tarun Kanti Chakraborty, another concerned workman who stated to have worked in the Dunlop Bridge Branch of the Bank from October 1980 to September, 1981. He stated that he did not receive any appointment letter and also he was not required to sign any attendance register. From the description of his duties as stated in evidence it appears that he was working as a Peon there. Regarding receipt of his salary he said that he received payment through permanent staff who used to sign vouchers. He named persons as Alok Bose, Sasanka Pal, Pranab Dey of Dunlop Bridge Branch now posted at Howrah Branch. He also stated that he has filed a details of the amount marked Ext. W-2 and it was prepared privately with the help of the clerk of the Bank who gave those dates by looking at the vouchers under which he received the same. He also stated that he only signed two vouchers, none of which were however produced. The documentary evidence produced by the union to show the dates of his work is totally unworthy of any credence whatsoever as the bank's clerk who is alleged to have helped him in preparing the sheet Ext. W-2, was not examined. There being thus nothing excepting his solitary evidence on record that he worked in the Bank for the periods mentioned by him, I am to hold that he also failed to prove the alleged period of his work in the Bank.

WW-3 is Ganesh Chandra Das. He stated in his evidence that he worked in the Shyam Bazar Branch of the Bank from 21-5-1983 to 1-12-1986. He also admitted that he was not given any appointment letter and he never signed any attendance register while working in the Shyam Bazar Branch. He also stated that he used to receive his salary in vouchers standing in the names of Radheshyam Das and Asit Mondal. A record of weekly payment alleged to have been received by him was produced. There is nothing in his evidence to show that how he could prepare the document. He stated that he prepared it himself by noting the dates of payment. Now he could not access to the record also was not explained. It is difficult to place any reliance on this document as his alleged work is not corroborated by any other evidence.

9. Apart from the evidence I find that the union has produced one letter marked Ext. W-1 from which it will appear that the Manager has forwarded a letter of the workman Tarun Kanti Chakraborty wherein he claimed to have worked as sub-staff. Forwarding of letter to the Regional Manager does not prove the truth of the allegation that this workman was engaged by the Bank at any point of time. Mr. Singh,

representative of the union drew my attention to Ext. W-4 which is the management's submission before the Assistant Labour Commissioner (Central), Calcutta in the conciliation proceeding where it is stated that for the purpose of doing certain work of casual nature, the Bank engaged them and the amount paid to them for their services were debited to the charges misc. A/c.

10. I have thus considered all the evidence adduced by the parties in this case. There being nothing on record to corroborate the evidence of the workmen that they had worked for the period stated by them, I am to hold that even though they had worked as per admission of the management in Ext. W-4, still then, it has not been proved that they had worked continuously for one year or 240 days in any year.

11. Mr. Singh, representative of the union stated that the management having refused to produce the documents in support of its case that an adverse presumption should be made in this matter. I have gone through the records and I find that the Tribunal directed inspection by the union and in terms of that order inspection was taken by the union. As a matter of fact, there was no possibility of finding any document as admittedly there was no paper in favour of the concerned workmen in the Bank. They had admitted that no appointment letter was issued and they did not sign in the attendance register. Regarding payments also it is admitted that vouchers were drawn in the name of other persons. No such persons was examined on behalf of the union. It is therefore clear that the result of inspection was a blank for the union. No question of drawing up any adverse presumption in favour of the union accordingly can arise in this case as submitted by Mr. Singh.

12. So, upon consideration of the evidence on record it is clear that though from the admission of the management it is proved that the concerned workmen had worked as casual workers, still then, there is no reliable evidence on record to hold that any of the concerned workmen had worked continuously for one year or for 240 days in a year. No question of violation of section 25F of the Act, accordingly can arise in this case. The termination of services of the concerned workmen accordingly cannot be said to be unjustified.

13. The point that next comes up for consideration is whether the termination of services of the daily-rated casual workers amounts to retrenchment or not. Consideration of this question is necessary for determination of the other point in the reference, namely, whether Section 25H of the Act was complied with or not. Mr. Ghosh, representative of the management referred to the case of Himanshu Kumar Vidyarthi v. State of Bihar, reported in AIR 1997 SC 3657 where it was held that since the appointment of daily wage employees are made on the basis of need of work, their termination of service cannot be construed to be retrenchment. This case no application to the facts of the instant case as it was considered from the stand point of statutory rules of recruitment. No such question can arise in such circumstances. I have already stated that though it has not been proved about the period of service rendered by the concerned workmen, still then, their casual appointment on daily-rate basis being not denied as per Ext. W-4, there cannot be any doubt that their termination of services amounts to 'retrenchment' under section 2(oo) of the Act. In respect of this matter WW-1 has stated that after termination of his service in the Main Office as well as in Garden Reach Branch, new hands were appointed. Ramen Kanjilal was taken in Garden Reach Branch. In his cross-examination he has stated that he has nothing to show that Ramen Kanjilal was appointed in the Garden Reach Branch after termination of his service. No other name was mentioned by him. MW-2 the Manager of the Allahabad Bank at Garden Reach Branch has stated in his evidence that there is only one person, Progam-Farash in the said Branch one Kartick Chatterjee Guchait is working in the said post since 1992. He also denied that anybody joined in the new post after 15 October, 1987 i.e. the alleged date of termination of service of the concerned workman. In the said circumstances, the story of new recruitment after termination of the service of the concerned workman cannot be said to

have been proved. WW-2, Tarun Kanti Chakraborty in his evidence frankly stated that no new hand was taken in his place after termination of his service. WW-3, Ganesh Chandra Das did not even state in his evidence that any new appointment was made in his place.

14. In the state of evidence mentioned above, in support of its case of violation of Section 25-H of the Acts, I am to hold that the union has hopelessly failed to prove the elements necessary for the application of that section, namely, appointment of new hand in the place of retrenched workman.

15. So, upon consideration of the facts and circumstances and the relevant law in the matter, I am to hold that the termination of services of the concerned workmen was not unjustified and that provision of Section 25-H of the Industrial Disputes Act, 1947 was not violated by the management in any manner what-so-ever. In the above view of the matter, the concerned workmen cannot be entitled to any relief.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 14th September, 1998.

नई दिल्ली, 5 अक्टूबर, 1998

का. आ. 2134.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—II, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-98 को प्राप्त हुआ था।

[सं. एल.—12012/387/97-आईआर (बी.—II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 5th October, 1998

S.O. 2134.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workmen, which was received by the Central Government on 5-10-98.

[No. L-12012/387/97-IR(B-II)]

C. GANGADHARAN, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT :

Shri S. B. Panse—Presiding Officer.

REFERENCE NO. CGIT-2/25 OF 1998

Employers in relation to the management of
Dena Bank.

And

Their workmen.

2750 GI/98—11

APPEARANCES :

For the Employer—Mr. J. K. Mistry, Advocate.

For the Workmen—No appearance.

Mumbai, dated 11th September, 1998

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/387/97/IR(B.II), dt. 12-3-98 had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of Dena Bank in terminating the services of Sh. Suresh Rupchand Survade is legal and justified ? If not, to what relief the said workman is entitled ?”

2 When the reference was sent to this Tribunal the Desk Officer also issued notices to the concerned parties. The Secretary of the Tribunal after receipt of the reference issued notices to the concerned parties. It was served to the management but so far as the workman is concerned it came with an endorsement left. Thereafter an inquiry was made with the bank regarding the last known address of the worker. The Deputy Regional Manager by his letter dated 6-8-98 (Ex-8) informed the Tribunal the address which was with the bank. It is the same address. Even then a fresh notice was issued to the workman on the same address, which came back with an endorsement ‘Left’. Under such circumstances nothing could be done in the matter by the Tribunal :

In the result I pass the following order :

ORDER

The reference is disposed off for want of prosecution.

S. B. PANSE, Presiding Officer

नई दिल्ली, 7 अक्टूबर, 1998

का. आ. 2135.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जाजंग आयरन श्रीरी मार्टिन आफ मै. टी. बी. लाल एण्ड कं. लि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, राउरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-10-98 को प्राप्त हुआ था।

[सं. एल.—26012/32/96-आई. आर. (विविध)]

के. बी. बी. उज्जनी, डेस्क अधिकारी

New Delhi, the 7th October, 1998

S.O. 2135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Industrial Tribunal, Raurkela as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jajang Iron Ore Mines of T.B. Lal Co. Ltd., and their workman, which was received by the Central Government on the 07-10-98.

[No. L-26012/32/96-IR(Misc.)]

K.V.B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF PRESIDING OFFICER : INDUSTRIAL TRIBUNAL : ROURKELA

Industrial Dispute Case No. 121/97(33)/96(C)

Dated, the 21st July, 1998

PRESENT :

Sri R. N. Biswal, LL.M., Presiding Officer,
Industrial Tribunal, Rourkela.

BETWEEN :

The Manager, Jajang Iron Ore Mines of M/s.
T. B. Lal & Co. Ltd, At/PO : Barbil,
Keonjhar ... 1st party

And

The General Secretary, North Orissa Workers
Union, PO : Rourkela, Sundargarh
... 2nd party

APPEARANCES :

For the 1st party—None.

For the 2nd party—In person.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Dispute Act, 1947 have referred the following disputes for adjudication vide No. L-26012/32/96-IR(Misc.) dated 17-9-96 :

"Whether the termination of the workman Sri Sarat Patra from service w.e.f. 19th June, 1995 by the management of M/s. T. B. Lal is justified and legal? If not, to what relief the workman is entitled to?"

2. As per the case of the 2nd party workman represented through the North Orissa Workers Union, he joined as a Choukidar under the 1st party management in the year 1985. After some year he was promoted to the post of driller helper. Again in the year 1995, he was promoted to the post of driller, than the management deputed him to Manipur. After serving the term at Manipur, he returned back to Jajang & reported for duty, but the management did not allow him to join w.e.f. 19-6-96. As such the action of the management is illegal & unfair & violative to principles of natural justice.

3. Even though the 1st party management received the notices, to appear before this Tribunal, it did not take any steps for which it was set exparte. Hence, this order is passed exparte.

4. The 2nd party workman swore an affidavit wherein he corroborated the statement of claim filed by him through the 2nd party union. It appears from the evidence that he worked under the 1st party management for a continuous period of more than one year. So he is entitled to get the retrenchment benefits. No retrenchment benefits having been paid to him, the termination of service is illegal. Furthermore, since the management has been set exparte, the circumstances under which the 2nd party workman was removed from service is not known. According to the evidence of the workman, he was illegally & arbitrarily terminated from service. In absence of any rebuttal evidence from the side of the 1st party management, it is held that the services of the 2nd party workman was terminated illegally & arbitrarily without following the procedure laid down under I.D. Act. Accordingly the 2nd party workman is entitled to reinstatement with full back wages.

5. Therefore, it is ordered that the 2nd party workman shall be reinstated in service with full back wages & cost of litigation. Accordingly the Award is passed exparte against the 1st party management.

R. N. BISWAL, Presiding Officer

नई दिल्ली, 9 अक्टूबर, 1998

का. प्रा. 2136.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री इंजीनियरिंग सर्विसेस, चेन्नई के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधि-करण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-98 को प्राप्त हुआ था।

[सं. एल-14012/42/93-आई आर (डी. यू.)]

के. बी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 9th October, 1998

S.O. 2136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Military Engineering Services, Chennai and their workman, which was received by the Central Government on the 9-10-98.

[No. L-14012/42/93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI

Tuesday, the 28th day of July, 1998

PRESENT :

Thiru S. Ashok Kumar, M. Sc., B.L.
Industrial Tribunal.

Industrial Dispute No. 5 of 1994

New Delhi, the 9th October, 1998

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Military Engineering Services, Madras-9.)

BETWEEN

Shri Anbarasu,

No. 3, Duraisamy Naidu,

T. V. K. Nagar, Madras-72.

AND

The Chief Engineer,
Military Engineering Services,
Madras Zone,
Madras-9.

REFERENCE :

Order No. L-14012/42/93-IR(DU), Ministry of Labour, dated 21-1-94, Govt. of India, New Delhi.

This dispute coming on for final hearing on this day, upon perusing the reference, claim, counter statements and all other connected papers, in the presence of Thiru S. Srinivasan, Addl. Standing Govt. Counsel for respondent management, and the petitioner being absent, this Tribunal made the following

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Military Engineering Services in terminating the services of Shri S. Anbarasu is Legal and justified ? If not, what relief the concerned workman is entitled to ?"

Petitioner called absent. No representation. Dismissed for default.

Dated, this the 28th day of July, 1998.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 9 अक्टूबर, 1998

का. आ. 2137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता टेलीफोन्स, कलकत्ता के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-98 को प्राप्त हुआ था।

[सं. एल.-40012/18/84-डी II (बी)]

के. वी. वी. उण्णी, डेस्क अधिकारी

S.O. 2137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Telephones, Calcutta and their workman, which was received by the Central Government on the 9-10-98.

[No. L-40012/18/84-D. II(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 17 of 1998

PARTIES :

Employers in relation to the management of
General Manager, Calcutta Telephones,
Calcutta

AND

Their workmen.

PRESENT :

Mr. Justice A. K. Chakravarty,
.....Presiding Officer.

APPEARANCE :

On behalf of Management :

Mr. T. Chowdhury, Advocate.

On behalf of Workmen :

Mrs. S. K. Sinha, Advocate with
Mr. M. Sinha, Advocate.

STATE : West Bengal. INDUSTRY : Telephones.

AWARD

By Order No. L-40012(18)/84-D. II (B) dated 13-5-1998 the Central Government in exercise of its powers under section 10(1)(d) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Telephones, Telephone Bhawan, Calcutta in terminating the services of S/Sh. Shankar Prasad Singh, Hardeo Singh, Haradhan Das, Sisir Kumar Das and Kamala Singh is legal and justified? If not to what relief the workmen are entitled to ?"

2. When the case is called out today, none appears for the workmen. no step is also taken on its behalf in the matter. Management is represen-

ted by the learned Advocate Mr. T. Chowdhury. It appears that the workmen is not taking any step in the matter inspite of opportunity. It is accordingly clear that the workmen is not interested to pursue the matter any further.

3. In the aforesaid circumstances, in the absence of any material what-so-ever for any decision in respect of the schedule under reference, this Tribunal has no other alternative but to pass a "No Dispute" Award.

4. A "No Dispute" Award is accordingly passed and the reference is disposed of.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer
Dated, Calcutta,

The 14th September, 1998.

नई दिल्ली, 9 अक्टूबर, 1998

का. आ. 2138:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग इलूरु के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखा-पत्तनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-98 को प्राप्त हुआ था।

[सं. एल.—40012/44/94—आई आर / (डी यू)]
के. बी. डी. उन्नी, डेस्क अधिकारी

New Delhi, the 9th October, 1998

S.O. 2138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom. Department, Eluru and their workman, which was received by the Central Government on the 9-10-98.

[No. L-40012/44/94-IR(DU)]

K.V.B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT VISAKHAPATNAM

PRESENT :

Sri K. Satyanand, B.Sc., LL.M., Chairman &
Presiding Officer.

Tuesday, the 8th day of September, 1998
I.T.L.D.(C) : 16/95.

BETWEEN :

Kola Peter, Smt. K. Kamalamma, 24C-5-6/1,
Pattobadar, ELURU-2, West Godavari Dist.
Pin-534 002. Workman.

AND

The Telecom District Manager, Office of the
Telecommunications, ELURU-534 001,
West Godavari Distt. Management

This dispute coming on for final hearing before me in the presence of Sri C. Suryanarayana and Sri Y. Subrahmanyam, advocates for workman and Sri M. Ramakoti, advocate for management, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

(1) This is an industrial dispute that came up for adjudication before this tribunal on a reference made by the Government of India which framed the terms of reference as under :

"Whether the action of Telecommunication Department Eluru in terminating the services of Sri Kola Peter, ex-casual mazdoor is justified ? If not, to what relief the workman concerned is entitled to ?"

(2) The facts of the case as called out from the statements of the parties herein are briefly as follows: According to workman, he was appointed by the sub-divisional Officer, Telecommunications, Nidadavolu as a casual mazdoor on daily wages with immediate effect from 14-8-84. He was drawn from the employment exchange. Thus, his selection was through a regular channel. The workman claimed to have been employed during the period from 20-9-84 to 30-4-88 for a total period of 756 days as a casual mazdoor. He, however, submitted that he became sick during the period from 1-5-88 to 19-4-93 and therefore absented himself from duty. On recovery he reported to the management and made a representation on 19-4-93 along with which he claimed to have submitted a copy of certificate of sickness and fitness issued by Dr. C. Ranga Rao his wife indicating that the petitioner was suffering from dropsy with Bronchial Asthma during the period from 1-5-88 to 19-4-93 and that the said doctor Ranga Rao gave treatment to the petitioner. Accordingly, the petitioner made a request for reinstatement after condoning the break and permit him to rejoin the Service. But the management did not reinstate him nor inform him that his request was rejected. As such, the petitioner raised an industrial dispute. According to him, his retrenchment was violative of Section 2(00) and Sec. 25F of the I.D. Act. He also claimed to have approached the Asst. Labour Commissioner and relied upon a decision of the Supreme Court to say that he should be deemed to have been in continuous service from 1-5-88 to 19-4-93 as well because he came to remain absent from duty on health grounds. He also contended that the management never issued any notice in the news paper or by any other mode calling upon him as to why he should not be retrenched for his absence and according to workman the effect of retrenchment was illegal and therefore he was entitled to reinstatement.

(3) The management stoutly resisted the claim of the workman by filing a lengthy statement which it chose to call as rejoinder. It is contended on behalf of the management that the workman was selected as casual Mazdoor purely on daily wages. It is, however, admitted that he started working in that capacity w.e.f. 20-9-94 at Eluru at his convenience. According to management, he worked at Eluru till November, 1987 with breaks. On commissioning of A.E.X.-bar Exchange at Eluru all the casual mazdoors were sent back to their respective parent requirement units except with few exceptions of which the case of the workman was one and he continued to work at Eluru itself. The workman worked only for a few days during May, June, Sept., and November, 1987 precisely for 9, 10, 3 and 1 days respectively absencing himself from work during the months of March, April, July, August and October, 1987. Thereafter the petitioner absented himself from work without any intimation to the authorities either at Nidadavolu or at Eluru. After prolonged absence for a period of more than 5-1/2 years the petitioner approached the respondent with a representation dated 19-4-93 along with a copy of medical certificate covering only part of the period of absence i.e. from 1-5-88 to 19-4-93 leaving the period from November, 1987 to 30th April, 1988 uncovered. Even as per the particulars of work attached to the claim statement of the workman, he stopped working w.e.f. 21-2-87, though he alleged to have worked upto November, 1987 in his representations. Thus, the workman abandoned the work and absconded without intimating the controlling officers. The workman manipulated and obtained a medical certificate for the purpose of this case and approached the management to condone his long period of absence for more than 5-1/2 years. As such the petitioner's name came to be deemed to have been deleted from the rolls of the casual mazdoors. The management is not competent to condone a period beyond one year. As such, the management pleaded inability either to condone or reinstate the workman. The workman hit upon the idea of seeking reinstatement only to take advantage of the scheme of regularisation of casual mazdoors that was, of late, introduced. According to management, there was no violation of any provisions of I.D. Act much less 25F.

(4) In support of his case the workman examined himself as WW1 and marked Exs. W1 to W10. Ex. W1 is the order of selection and recruitment. Ex. W2 is the statement issued by the Junior Engineer showing that the workman worked for 726 days during the period from 20-9-84 to 20-2-87. Ex. W3 is the representation of the workman. Ex. W4 is corresponding postal receipt. Ex. W5 is copy of the certificate of sickness and fitness. Ex. W6 is letter addressed to ACL. Ex. W7 is corresponding postal acknowledgement. Ex. W8 is reply to Ex. W6. Ex. W9 is minutes of conciliation proceedings. Ex. W10 is the register showing the number of days worked by the workman. The management on the other hand, examined the section supervisor as MW1 and did not work mark any documents. Heard both sides.

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(5) The points that arise for consideration in this case are as follows :

- (1) Whether this is a case of retrenchment within the meaning of Sec. 2(00) of I.D. Act?
- (2) If so what is the date of retrenchment?
- (3) In the peculiar circumstances of the case whether the workman is entitled to the protection of Section 25 F?
- (4) To what relief?

(6) Point No. 1 : This is a peculiar case in which the facts are simple but law is rather complicated. The factum of employee-employer relationship is not at all in dispute. As per the workman the refusal on the part of the management to reinstate him when he reported to duty on 19-4-93 with a representation explaining in his own way how he remained absent for over a period of more than 5-1/2 years amounts to retrenchment. In this case such refusal to reinstate, automatically becomes retrenchment the moment the management fails to ward off its effect of discharge by showing such discharge as coming under one of the exceptions in the definition of retrenchment set out in Sec. 2(00) of the I.D. Act which reads as follows :

"2(00) 'Retrenchment' means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) voluntary retirement of the workman ; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf ; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of the employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein ; or
- (c) termination of the service of a workman on the ground of continued ill-health."

A close look at Section 2(00) makes it very clear that every type of termination of the employer of the service of a workman for any reason whatsoever except the following five categories of actions come under the definition of retrenchment. These exceptions are (1) Termination as a punishment inflicted by way of disciplinary action, (2) Voluntary retirement of the workman, (3) Retirement of the workman on reaching the age of superannuation as provided in the contract of employment, (4) Termination of the service of the workman as a result of the non-renewal of the contract of employment or termination of such contract under a stipulation in that behalf, and (5) Termination of the service of a workman on the ground of continued ill-health.

(7) It is conspicuous to note that in this case the management did not plead any facts calculated to make out any one of those five exceptions. On the other hand, it came up with a theory of abandonment of service on the part of the workman. No doubt, even recording to documents of the workman. No doubt, even recording in documents of the day from December, 1987 onwards. Strictly speaking if we go by Ex. W2 he did not work not even for a single day after 20-2-87. Still, can it be said that his abstinence from work presuming it to be from 20-2-87 itself, amounts to a concept what the management chose to call as abandonment? Does such abandonment falls outside the scope and ambit of the definition of retrenchment as already discussed. Abandonment as such cannot come under one of the exceptions

to retrenchment. Abandonment of service on the face of it, on the other hand, amounts to misconduct of absenteeism in normal circumstances. When there is such a misconduct of abandonment or desertion, the management is under an obligation to sever the ties of employer-employee relationship by reporting to disciplinary action. No doubt, in exceptional circumstances the contract of service comes to an end wherein the workman abandons his job but the Hon'ble Supreme Court in number of cases categorically hold that abandonment has to be strictly proved by the management and really the standard of proof stipulated by the Supreme Court does not admit of conjectures and surmises. The law laid down by the Supreme Court is quoted succinctly in (1992) 20 Administrative Tribunals Cases 348 by the Central Administrative Tribunal, Ernakulam between Kosayan Nair Alias Omanakutran Vs. Sub-Divisional Officer, Telegraphs, Mavelikkara and Others in paras 3, 4 and 6 as relied upon by the learned counsel for the workman :

"3. 'Abandonment of service' has not been defined. 'But etymologically the word 'abandonment' has been explained to mean' to leave completely and finally; to relinquish, to give up all concern in something (Nandan House Dictionary). Abandonment in service jurisprudence is an intentional relinquishment of office or right to work without any regard for future resumption to duty. Abandonment involves two things (i) as intention to abandon and (ii) an act or omission by which such an intention is carried into effect. In order to complete an abandonment, these two elements must occur. The intention is generally manifested by express declaration or by act or conduct and may be inferred from the facts and circumstances. It can also be shown by an act and conduct inconsistent with any intention to continue the right to do work. The Supreme Court in *Buckingham and Carnatic Co. Ltd. V. Venkataiah* held :

"Normally such an intention cannot be attributed to an employee without adequate evidence. Under the common law, an inference that an employee has abandoned or relinquished service is not easily drawn unless from the length of absence and from other surrounding circumstances and inference to that effect can be legitimately drawn and it can be assumed that the employee intended to abandon service."

It has been held in *G. T. Lad V. Chemical & Fibres of India* that :—

"Question as to whether a job in fact had been abandoned by an employee is always a question of fact which is to be determined in the light of the surrounding circumstances of each case."

The Court further held that the circumstances leading to the relinquishment of job by an employee should be such that they lead to the conclusion that it is total and absolute. The Court held in the same case as follows :

"From the connotations reproduced above it clearly follows that to constitute abandonment, there must be total or complete giving up of duties so as to indicate an intention not to resume the

same. In *Buckingham Co. V. Venkataiah* Case it was observed by this Court that under common law an inference that an employee has abandoned or relinquished service is not easily drawn unless from the length of absence and from other surrounding circumstances an inference to that effect can be legitimately drawn and it can be assumed that the employee intended to abandon service. Abandonment or relinquishment of service is always a question of intention, and normally, such intention cannot be attributed to an employee without adequate evidence in that behalf. Thus, whether there has been a voluntary abandonment of service or not is a question of fact which has to be determined in the light of the surrounding circumstances of each case."

"4. Generally an intention to abandon the job will not be presumed. A party to an action who relies on abandonment must plead facts which disclose an intention to abandon the job or his right to work permanently and not be reclaim it in future. The burden of proof of abandonment of a right is on the part of the party who asserts or relies on it. The party who asserts abandonment should plead and prove that fact because under Sec. 103 of the Evidence Act the burden of proof lies on the party who wishes the Court or Tribunal to believe the existence of a particular fact as alleged and stated clearly in the pleadings. In *Kanhiya Shanker V. Mohabara Sabha*, it was held that the Court would never presume in favour of abandonment and that abandonment must be proved affirmatively by the party setting it up (see *Neminath Appagga V. Jamboorac*)."

"6. The absence from service may be for a short duration or long period. But merely by the length of absence of an employee coupled with no other circumstances to infer relinquishment of his office, an abandonment cannot be presumed. A person may be absent from duty due to reasons beyond his control and in such circumstances there may not be any legal inference of abandonment of job by a Government employee unless his intention to abandon the job is proved beyond any doubt. In *Delhi Cloth & General Mills Ltd., Vs. Piara Lal*, the High Court held that when the absence of a workman for any reason beyond his control and it was not possible for him to apply for leave it would be unreasonable

for the employer to take a view that he has abandoned his job. Likewise, the Court in Bata India Ltd. v. Namani, held that it would be an illegal termination of an employee under standing order for continued absence for a long period due to protracted suffering and illness.

(8) It is conspicuous to note that in the present case the management happily kept quiet even after the workman remained absent and it really the management had issued a notice to the workman at the appropriate time it could have had an effect of standing the management in good stead in pressing the plea of abandonment. Even while admitting that the petitioner's representation dated 19-4-93 was received by the management, it failed to give any answer and on the other hand, ventured to find fault with the workman without properly advertng to its own omissions in not issuing a notice to the workman who was actually appointed through the legitimate source of employment exchange. The length of absence is not a ground to draw any inference of abandonment. On the other hand what is essential is a positive mind set on the part of the workman that he intended to abandon the job once for all. In this case the management failed to adduce such quality of evidence persuading this court to draw such an inference. Thus,, even the doctrine of the abandonment failed to click for the management to take away the present exercise from the purview of retrenchment. In other words the discharge of the workman in this case can very well be characterised as retrenchment within the meaning of Sec. 2(oo) of I.D. Act.

(9) Point No. 2 : Coming to point No. 2 the learned counsel for the management submitted that the date of retrenchment in this case will be 19-4-93 or even later as his request for reinstatement was turned down by keeping quiet without passing an order on that representation. Obviously the learned counsel relied upon this date only to show it an crucial date and thereby urge that the workman never worked for not a single day during 12 months next preceeding such crucial date in 1993 in as much as he remained absent even by then for over a period of 5½ years. But as per the pleadings of the management, the workman abandoned service from November, 1987. In this regard the pleadings of the management are worth recapitulating. In para 2 we have the necessary facts including admissions on the part of the management. In paragraph 2 of so called rejoinder the management averred as follows :

"It is submitted that the petitioner was selected as casual Mazdoor purely on daily wages by sub-divisional Officer, Telecom, Nidadavola vide his Lr. No. E-13[CM] 84-85/95 dt. 14-4-84. Petitioner preferred to work under Asst. Engineer, X-bar installation, Telephone Exchange, Eluru,

his native town and actually started working w.e.f. 20-9-84 under him at Eluru. Petitioner has worked thus under A.E.X. Bar Installation, Tele-exchange, Eluru till February, 1987 as detailed in the tabular statement annexed hereto. On commissioning of the X-bar exchange at Eluru all the casual mazdoor who worked under the A.E.X. bar installation were sent back to their respective parent recruitment units except one or two casual mazdoors in the X-bar Exchange, Eluru (newly commissioned). Petitioner was one such exception. Petitioner was to back to his parent recruitment unit i.e. Nidadavolu Telecom sub-division but he could manage somehow and he was provided with work in the office of the then Divisional Engineer, Telecom, Eluru in the leave vacancies of Regular Group-D Officials. The petitioner has worked a few days only during May, June, September and November, 1987 for 9, 10, 3 and 1 days respectively absenting himself from work during the months of March, April, July, August and October, 1987. Thereafter, petitioner absented himself from work without any intimation whatever either to Eluru or Nidadavolu. After prolonged absence for a period of more than 5½ years, petitioner approached the respondent with a representation dated 19-4-93 along with a copy of Medical certificate covering part of the period of absence i.e. 1-5-88 to 19-4-93 (leaving the period from November, 1987 to 30-4-88 uncovered)."

(10) The above expeteted averments amply indicate that according to management the so called abandonment of service by the workman commenced w.e.f. either 21-2-87 or November, 1987. As per the pleadings it refused to condone the absence of more than 5½ years which definitely means that the management deemed to have done away with the services of the workman from February, 1987 or November, 1987. The management in one breath said that the workman was deemed to have abandoned his services from Feb., 1987 and in another breath stated that he was deemed to have abandoned his service from November, 1987. Therefore the retrenchment date is fluctuating and flexible even according to management and surely its reticence in the wake of the workman's representation in November, 1993 cannot be taken as signifying the management's version of the date of retrenchment being Nov., 1993. Even according to workman, he produced Ex. W2 showing that he worked upto 20-2-87 notwithstanding his pleadings and deposition to the effect that he worked upto 30-4-88. In other words

the workman could prove cogently that he worked upto February, 1987 as per Ex. W2. When according to management it was abandonment of service from the next day onwards it cannot but be held that even according to management it is 20-2-87 that happens to be the date of retrenchment.

11. Point No. 3: The learned counsel for the management very strenuously contended that the workman is not entitled to the protection of Sec. 25F of I. D. Act for other reasons also. He firstly submitted that the workman did not work even for a single day during the 12 months next preceding the date of retrenchment which according to him as 19-11-93 when the workman reappeared before the management seeking reinstatement. But the pleadings very clearly show that the management treated the workman as having opted out of service by way of abandonment of service w.e.f. either 20-2-87 or NOV., 1987. So the inaction of the management to concede to the request of the workman that was represented to them in November, 1993 by way of a representation cannot alter the date of retrenchment to suit the convenience of the management which made an endeavour to say, on the basis of its version of the date of retrenchment, that the workman did not work for 240 days during 12 months preceding November, 1993 his date of representation. I am unable to agree with the management's unilateral selectivity of the date of retrenchment in order to show to this tribunal that the workman forfeited his right to claim to one of the essential ingredients of 25F and thereby secure its protection. The unpeachable evidence in Ex. W2 as also the admissions on the part of the management clearly show that the workman had served the management for more than 240 days atleast during the years 1985 and 1986. That means he worked for more than 240 days during two units of 12 months periods. If we recon backwards from 20th February, 1987 covering a period of 12 months there too he is surely found to have worked for more than 316 days during that period of 12 months as per Ex. W2. The absence subsequent to 20-2-87 might have given a cause of action to the management to proceed against him for absenteeism. But the management did not avoid it and along in vain to the theory of abandonment which for reasons stated already cannot be countenanced. The next point urged by the learned counsel for the workman to say that the workman is not entitled to the Protection of Sec. 25F centre round the question of jurisdiction. Even while fairly citing the latest judgement of our Supreme Court in 1(1998) SLT 9 Supreme Court of India Between the General Manager, Telecom Vs. S. Srinivas Rao & Ors. holding that the telecommunication department is an industry, he submitted that the said decision was rendered on the concession of the learned counsel for the applicant and therefore the earlier decisions in AIR, 1997, Supreme Court, 2817

Association, Praonadevi Telephone Exchange, petitioner vs. Union of India and another and the case in (1990) 8 SSC 409 (Theyyam Josepa) still hold good. I am unable to agree with this contention as 1 (1998) SLT 9 clearly held in para 5 that the last mentioned two cases cannot be treated as laying down the correct law. Thus, there is no difficulty in holding that the management in question is an industry. There is yet another objection raised by the learned counsel for the management to giving protection of Sec. 25F to the workman. In this connection the learned counsel relied upon 1997 (5) Supreme Court Cases 434 and 1997(4) Supreme Court Cases 391 to say that discharge of daily wage employees cannot be treated as retrenchment. When the appointments are regulated by statutory rules, the concept of Industry to that extent stands excluded. But the ground upon which the workman came to be learned as having been discharged from service is not a disengagement at all within the meaning of (1997) 4 SCC 391 as such a concept was never pleaded by the management. Similarly it was never the case of workman was regulated by any statutory rules. If we go by the ratio in AIR 1997 (SC) 2817 on the last mentioned aspect, the Hon'ble Supreme Court categorically held in the last lines of part 10 as follows:

"If there exist no statutory rules findings standing orders, necessarily, the reference under S. 10(1) would be valid and the Tribunal has jurisdiction to go into or the employee may avail of judicial review or common law review."

Thus, the objections raised by the management cannot in any way deter this court from giving the protection of Sec. 25F to the workman. In this regard it is not of place to point out that the management neither pleaded nor proved its compliance with Sec. 25F to discharge this workman. So the retrenchment of the workman cannot but be held as illegal.

12. Point No. 4: In this case the workman remained absent admittedly for quite a long time. He failed to properly prove that he was prevented from sickness. He simply filed the copies of the certificates of a doctor without examining him. This infirmity in his case definitely tells upon his claim for back wages though not for reinstatement. Keeping this fact in view I hold that the workman is entitled only for reinstatement, but not for either back wages or continuity of service. Accordingly, the reference is answered passing an award directing the management to reinstate the workman without back wages and without continuity of service. There shall be no order as to costs in the circumstance of the case.

Dictated to steno transcribed by her given under my hand and seal of the court this the 8th day of September, 1998.

V. C. TY NAND Presiding Officer

APPENDIX OF EVIDENCE IN ITD NO. 16/95(C)—WITNESSES EXAMINED :

FOR WORKMAN :

WW1 : K. Petor.

FOR MANAGEMENT :

MW1 : Ch. Narayana Swamy.

DOCUMENTS MARKED :

FOR WORKMAN :

- Ex. W1 : 14-8-94 : Order of recruitment.
Ex. W2 : 7-5-87 : Days particular statement issued by the Jr. Engineer, Telecom.
Ex. W3 : 19-4-93 : Representation to the management by workman.
Ex. W4 : 19-4-93 : Postal receipt.
Ex. W5 : 19-4-93 : Copy of the certificate of sickness & fitness.
Ex. W6 : 30-11-93 : Letter to ACL (Central), Vsp. by workman.
Ex. W7 : 6-12-93 : Postal Acknowledgement.
Ex. W8 : — : Reply to the Ex. W6.
Ex. W9 : — : Minutes of conciliation proceedings held on 7-3-94.
Ex. W10 : — : Register showing the number of days worked by the workman.

FOR MANAGEMENT :

NIL.

नई दिल्ली, 9 अक्टूबर, 1998

का. आ. 2139 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल सुगर इस्टिब्यूट, कानपुर के प्रबन्ध-तन्त्र के संबंध में निम्नलिखित निर्णयों और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-98 को प्राप्त हुआ था।

[सं. एल-42011/3/91—आई आर (डी यू)]
के. बी. बी. उण्णि, डेस्क अधिकारी

New Delhi, the 9th October, 1998

S.O. 2139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Sugar Institute, Kanpur and their

workman, which was received by the Central Government on the 9-10-98.

[No. L-42011/3/91-IR(DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 122/91

In the matter of dispute

BETWEEN

Shri S. P. Kureel and Brahamshanker, through Shri D. K. Pandey, Secretary, National Sugar Sanstha Karamchhari Sangh, through National Sugar Institute, Kalyanpur, Kanpur-208001.

Versus

Director, National Sugar Institute,

Kalyanpur, Kanpur-208001.

APPEARANCES : None.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/3/91-IRDU dated 1-10-91 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of National Sugar Institute, Kanpur in not granting the pay scale higher than that of the pay scale fixed for the Draftsman Gr. I to S/Shri S. P. Kureel and Brahamshanker, Head Draftsmen is justified ? If not, to what relief the concerned workmen are entitled?”

2. The two claimants namely S/Sh. S. P. Kureel and Brahamshanker in their statement of claim has alleged that they were appointed as draftsmen originally and were promoted to the post of Head Clerk in their management on 17-10-86 and 6-12-82 respectively. They were later on confirmed also w.e.f. 17-10-83 and 10-5-85. There were four categories of Head Draftsmen with the Management as follows:

- Draftsman Grade III—Rs. 260-420
- Draftsman Grade II—Rs. 330-560
- Draftsman Grade I—Rs. 425-700
- Head Draftsman.—Rs. 470-750 No change

The pay scales of the above 4 posts were revised from 1-1-86 as recommended by the 4th Pay Commission as follows :—

- Draftsman Grade III—Rs. 975-1540
- Draftsman Grade II—Rs. 1200-2040
- Draftsman Grade I—Rs. 1400-2300

(d) Head Draftsman —Rs. 1400-2600

The pay scale of the post of Draftsman Gr. III, II and I were further revised w.e.f. 8-4-89 as follows :—

(a) Draftsman Gr. III—Rs. 1200-2040

(b) Draftsman Gr. II—Rs. 1400-2300

(c) Draftsman Gr. I—Rs. 1600-2660

Pay scale not revised

(d) Head Draftsman —Rs. 1400-2600

It has been alleged that the pay scale of the Head Draftsman is lower than that of the draftsman Gr. I and it was uniform, mala fide and discriminatory on the part of the Management. The Head draftsman being senior most draftsman could not be paid less than his immediate junior.

3. Both the claimants have claimed that they should be given scale higher than that of the Draftsman Gr. I.

4. The Management in its written statement alleged that the claimants were not workmen according to their duties and they were working in the subordinate office of the Govt. in the Ministry of Food. The Industrial Tribunal had no jurisdiction to try their dispute. The Management has also denied any discrimination with the claims and have alleged that the pay scale of Head Drafts Man was not revised because there was no such post with the CPWD and the higher post with the CPWD was that of Chief Estimator which has much higher qualifications and different in nature of duties from those of the Head Draftsman. The Management has, however, accepted that the scale of the Head Draftsman could not be less than the draftsman and in order to remove that anomaly the Government has given the scale of 1600-2600 to the Head Draftsman w.e.f. the same date this grade was given to the Draftsman Gr. I.

5. I have heard representatives for the parties and have gone through the record.

6. It has been brought to my notice that vide office order dated 12-7-90 latest Recruitment Rules have been notified by the Government of India and vide that Notification the post of the Head Draftsman has been clubbed with the post of Draftsman Gr. I in the Institute of the Management. The new Pay Scale of the Head Draftsman has also been revised to Rs. 1600-2600 w.e.f. 8-4-89 and it has been so intimated to the claimant also.

7. A perusal of this office order which has been annexed by the claimant as Annexure H means with his statement of claim clearly shows that the Head Draftsman Post has been clubbed with that of the draftsman and the management has given him the same scale which was given to the draftsman Gr. I. The grades of the staff have been recommended by the 4th Pay Commission and the Govt. has implemented the same in case of entire staff including the present claimants. This Tribunal cannot rule over and above the pay commission and cannot go into the details as to what should be the scale of the Head Draftsman. There is no discrimination with the claimants in this case because the post of Head Drafts-

man has been clubbed with the post of Draftsman Gr. I vide order dated 12-7-90 and, therefore, there was no discrimination and none of their junior was being paid higher scale as against them. In view of this situation I am of the opinion that the action of the Management was fully justified and the claimants are not entitled to any relief.

5th Oct. 98

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 9 अक्टूबर, 1998

का. आ. 2140 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुगभद्रा बोर्ड टी. बी. डैम, बेल्लारी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-98 को प्राप्त हुआ था।

[सं. एल—42012/247/94—आई आर (डीयू)]

के .बी. बी. उष्णी, डैस्क अधिकारी

New Delhi, the 9th October, 1998

S.O. 2140.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tungabhadra Board T. B. Dam, Bellary and their workman, which was received by the Central Government on the 9-10-98.

[No. L-42012/247/94-IR(DU)]

K.V.B. UNNY, Desk-Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated this 24th day of September, 1998

PRESENT :

Mr. Justice R. Ramakrishna, Presiding Officer.
CENTRAL REFERENCE NO. 111/1997

I PARTY

Shri M. Krishna,
C/o D. Vasudeva Rao,
Ex. MPL Councillor,
NC Colony,
HOSPET-583 203.

Vs.

II PARTY

1. The Secretary,
Tungabhadra Board,
T.B. Dam,
Bellary-583 225.
2. The Executive Engineer
Head Works & HCL
Dn. T.B. Board,
T.B. Dam,
Bellary-583 225.

AWARD

effect from 22-7-1998 or till the appointment of the regular incumbent, whichever is earlier.

This Central reference dated 3-1-1996 was referred to this Tribunal by the Government of India, Ministry of Labour to adjudicate and pass an Award on the following issue :

[F. No A-11016/2/95-CLS-II]

P. P. MITRA, Director

“Whether the action of the Management of Tungbhadra Board TB Dam in not providing employment to Sri M. Krishna the workman is justified ? If so, to what relief the workman is entitled to ?”

नई दिल्ली, 22 अक्टूबर, 1998

This reference was registered as C.R. No. 111/1997 and notice was issued to the parties. Since the First Party cannot be served by Ordinary summons, notice was ordered and issued by Registered Post with Ack. Due. This notice has been returned with the postal endorsement that the Party left and not residing in the address mentioned in the reference.

का.आ. 2142 केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ठ) के उपखंड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 848 दिनांक 7 अप्रैल, 1998 द्वारा दिल्ली दुग्ध योजना को उक्त अधिनियम के प्रयोजनों के लिये 24 अप्रैल, 1998 से छह मास की कालावधि के लिये लोक उपयोगी सेवा घोषित किया था;

Since the Party has not espoused the cause through any union, issue of further notice will be a futile exercise.

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिये बढ़ाया जाना अपेक्षित है ;

It is also ascertained that the first party, consequent to this reference, had not made any efforts to approach this Tribunal and file any claim statement.

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ठ) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 24 अक्टूबर, 1998 से छह मास की और कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

In these predicaments, this reference cannot be proceeded with and is to be rejected in limine. Accordingly this reference is rejected.

(Dictated to the Secretary, taken down by him, got typed and corrected by me).

JUSTICE R. RAMAKRISHNA, Presiding Officer

[फा.सं. एस-11017/7/97-आई.आर. (पीएल)]

एच. सी. गुप्ता, अवर सचिव

नई दिल्ली, 12 अक्टूबर, 1998

New Delhi, the 22nd October, 1998

S.O. 2142.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Dispute Act, 1947 (14 of 1947), in the Ministry of Labour S.O. No. 848 dated 7th April, 1998 the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purpose of the said Act, for a period of six months from the 24th April, 1998.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period declared by the Notification of the Government of India by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 24th October, 1997.

[F. No. S-11017/7/97-IR (PJ)]

H. C. GUPTA, Under Secy.

का.आ. 2141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस मंत्रालय की दिनांक 7 अप्रैल, 1998 की अधिसूचना के क्रम में केन्द्रीय सरकार, केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय सं. 2, धनबाद के पीठासीन अधिकारी, श्री बी.बी. चटर्जी को उनके वर्तमान प्रभार के साथ-साथ 22-7-1998 से तीन माह की और अवधि के लिये या नियमित पदधारी की नियुक्ति तक, जो भी पहले हो, केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम मंत्रालय न्यायालय सं. 1, धनबाद के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[फा.सं. ए-11016/2/95-सी.एल.एस-II]

पी.पी. मित्रा, निदेशक

New Delhi, the 12th October, 1998

S.O. 2141.—In exercise of the powers conferred by Section 8 of the Industrial Disputes Act, 1947 (14 of 1947), and in continuation of this Ministry's Notification dated 7th April, 1998, the Central Government hereby appoints Shri B. B. Chatterjee, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No. 2 Dhanbad as the Presiding Officer of the Central Government Industrial Tribunal-cum-Labour Court No. 1 Dhanbad in addition to his present charge for a further period of three months with

नई दिल्ली, 22 अक्टूबर, 1998

New Delhi, the 22nd October, 1998

का.आ. 2143.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि भारत प्रतिभूति मुद्रणालय, नासिक रोड जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 12 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिये लोक उपयोगी सेवाएं घोषित किया जाना चाहिये।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ठ) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये तत्काल प्रभाव से छः माह की कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[फा.एस.—संख्या 11017/18/97—प्रो.स. (नी.वि.)]

एच.सी. गुप्ता, अवर सचिव

S.O. 2143.—Whereas the Central Government is satisfied that the public interest requires that the India Security Press, Nasik Road which is covered by item 12 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act ;

Now, therefore, in exercise of the powers conferred by sub-section (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[F. No. S-11017/18/97-IR] (PL)]

H. C. GUPTA, Under Secy.